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Washington, Thursday, October 30, 1941

The President

ARMISTICE DAY—1941

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the armistice of November 11, 1918 marked the successful end of a war which undeniably saved democracies from imperialistic conquest; and

WHEREAS, in most parts of the world a generation of mankind lived in peace; and

WHEREAS forces of lawlessness and inhumanity have again been unleashed against us; and

WHEREAS Senate Concurrent Resolution 18, Sixty-ninth Congress, passed June 4, 1926 (44 Stat. 1982), requests the President of the United States to issue a proclamation calling for the observance of November 11 with appropriate ceremonies, and the act of May 13, 1938 (52 Stat. 351), provides that the 11th day of November of each year shall be a legal public holiday, to be known as Armistice Day:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby call upon the people of the United States to pause upon November 11, 1941, to show gratitude for the past, to rededicate the Nation to the fundamentals of human liberty, and to defend our future. I accordingly invite the people to observe that day in schools and churches, or other suitable places, with appropriate ceremonies, and I direct that the flag of the United States be displayed on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of October, in the year of our Lord nineteen hundred and [SEAL] forty-one, and of the Independence of the United States of

America the one hundred and sixty-sixth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2520]

[F. R. Doc. 41-8125; Filed, October 29, 1941; 10:37 a. m.]

EXECUTIVE ORDER

ESTABLISHING THE OFFICE OF LEND-LEASE ADMINISTRATION IN THE OFFICE FOR EMERGENCY MANAGEMENT OF THE EXECUTIVE OFFICE OF THE PRESIDENT

By virtue of the authority vested in me by the Constitution and statutes of the United States, and particularly by the act of March 11, 1941, entitled "An Act further to promote the defense of the United States, and for other purposes" (hereafter referred to as the act), and by the Defense Aid Supplemental Appropriation Act, 1941, approved March 27, 1941, and acts amendatory or supplemental thereto, in order to define further the functions and duties of the Office for Emergency Management of the Executive Office of the President in respect to the national emergency as declared by the President on May 27, 1941,¹ and in order to provide for the more effective administration of those acts in the interests of national defense, it is hereby ordered as follows:

1. There shall be in the Office for Emergency Management of the Executive Office of the President an Office of Lend-Lease Administration, at the head of which shall be an Administrator, appointed by the President, who shall receive compensation at such rate as the President shall approve and, in addition, shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties.

¹ 6 F.R. 2617.

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2. Subject to such policies as the President may from time to time prescribe, the Administrator is hereby authorized and directed, pursuant to section 9 of the act, to exercise any power or authority conferred upon the President by the act and by the Defense Aid Supplemental Appropriation Act, 1941, and any acts amendatory or supplemental thereto, with respect to any nation whose defense the President shall have found to be vital to the defense of the United States: *Provided*, That the master agreement with each nation receiving lend-lease aid, setting forth the general terms and conditions under which such nation is to receive such aid, shall be negotiated by the State Department, with the advice of the Economic Defense Board and the Office of Lend-Lease Administration.

3. The Administrator shall make appropriate arrangements with the Economic Defense Board for the review and clearance of lend-lease transactions which affect the economic defense of the

United States as defined in Executive Order No. 8839 of July 30, 1941.¹

4. Within the limitation of such funds as may be made available for that purpose, the Administrator may appoint one or more Deputy or Assistant Administrators and other personnel, delegate to such Deputy or Assistant Administrators any power or authority conferred by these orders, and make provision for such supplies, facilities, and services as shall be necessary to carry out the provisions of this Order. Insofar as practicable, the Office of Lend-Lease Administration shall use such general business services and facilities as may be made available to it through the Office for Emergency Management.

5. Executive Order No. 8751² of May 2, 1941, establishing the Division of Defense Aid Reports and defining its functions and duties, is hereby revoked.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE
October 28, 1941

[No. 8926]

[F. R. Doc. 41-8131; Filed, October 29, 1941; 11:25 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1942-1]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART D—1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1149, 16 U.S.C. 590g to 590q), as amended, the 1942 Agricultural Conservation Program³ is amended as follows:

1. Section 701.301 (c) (6) is hereby amended to read as follows:

§ 701.301 *Allotments, yields, grazing capacities, payments, and deductions.* * * *

(c) *Peanuts.*

(6) *Deduction.* Ten times the payment rate for each acre of peanuts in excess of the peanut allotment if the county committee determines that any peanuts grown on an acreage in excess of the peanut allotment were marketed for purposes other than crushing for oil, provided that no deduction will be made if the acreage of peanuts on the farm is one acre or less.

¹ 6 F.R. 3823.

² 6 F.R. 2301.

³ 6 F.R. 4111.

2. Section 701.301 (d) (5) is amended to read as follows:

(d) *Potatoes.*

(5) *Acreage of potatoes harvested.* "Acreage of potatoes harvested" means the acreage of land from which potatoes are harvested or on which potatoes reach maturity, except the acreage of potatoes grown in home gardens for use on the farm.

3. Section 701.301 (e) (3) (i) is amended to read as follows:

(e) *Rice.*

(3) *Normal yields.*

(i) Where reliable records of the actual average yield of rice per acre for a period of five consecutive years during the period 1936 to 1941, inclusive, are presented by the farmer or are available to the committee, the normal yield of rice for the farm shall be the average of such yields.

4. Section 701.301 (f) (2) is amended by adding the following sentence at the end thereof:

(f) *Tobacco.*

(2) *Farm acreage allotments and permitted acreages.* * * * The permitted acreage determined for any farm shall not exceed 75 percent of the acreage allotment determined for a farm which is similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

5. Section 701.301 (f) is amended by adding the following paragraph:

(6) *Acreage of land devoted to Georgia-Florida Type 62 Tobacco.* Each acre of land from which Georgia-Florida Type 62 tobacco is harvested shall be considered as eight-tenths of an acre harvested: *Provided*, That (i) an average of at least four top leaves is left on each stalk on all of the acreage of such tobacco grown on the farm in 1942, and (ii) such cultural practices are carried out on the land from which such tobacco is harvested as are recommended by the State committee and approved by the Agricultural Adjustment Administration.

6. Section 701.301 (g) (3) second paragraph is amended by deleting the last sentence.

7. Sec. 701.301 (g) (5) is amended to read as follows:

(g) *Wheat.*

(5) *Non-wheat-allotment farm.* "Non-wheat-allotment farm" means any farm (i) for which no wheat allotment is determined, (ii) for which a

wheat allotment of 15 acres or less is determined and the acreage seeded to wheat exceeds the allotment by 10 percent or more; (iii) in the East Central Region or in the Southern Region except Texas and Oklahoma, from which no wheat is sold from the farm and the acreage of wheat normally harvested for grain or for any other purpose after reaching maturity is not in excess of 3 acres per family living on the farm and having an interest in the wheat crop grown thereon and the county committee approves, in accordance with instructions issued by the Agricultural Adjustment Administration, the classification of such farm for the purposes of the 1942 program as a non-wheat-allotment farm; or (iv) any farm for which a wheat allotment of more than 15 acres is determined and on which wheat is normally planted for green manure, hay, or pasture, or will be planted for such use in 1942, and the county committee approves, in accordance with instructions issued by the Agricultural Adjustment Administration, the classification of such farm for the purposes of the 1942 program as a non-wheat-allotment farm.

8. Section 701.301 (h) is deleted.

9. Section 701.301 (i) is redesignated § 701.301 (h).

10. Section 701.301 (j) is redesignated § 701.301 (i) and is amended to read as follows:

(i) *Minimum soil-conserving and soil-building requirements.* In each county one of the following four provisions shall be applicable as recommended by the State committee and approved by the Agricultural Adjustment Administration.

(1) *Minimum conserving acreage.* The net payment for any farm in connection with special crop allotments shall be subject to a deduction of 5 percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland on the farm by which the acreage of cropland on the farm devoted exclusively, throughout the 1942 crop year, to one or more of the following uses, as recommended by the State committee and approved by the Agricultural Adjustment Administration, is less than 20 percent of the cropland on the farm:

(i) Perennial grasses or legumes, including new seedlings if seeded alone or with a nurse crop pastured or clipped green.

(ii) Biennial legumes, lespedeza, or annual sweet clover, including new seedlings if seeded alone or with a nurse crop pastured or clipped green.

(iii) Sudan, millet, or annual ryegrass, for pasture.

(iv) Seeded cover crops of which a good stand and good growth is left on the land, and green manure crops qualifying for credit under practice (24).

(v) Summer fallow protected by methods recommended by the State com-

mittee and approved by the Agricultural Adjustment Administration.

(vi) Fallow rice land, or rice land on which noxious plants are controlled by mowing.

(vii) Forest trees planted on cropland since 1935.

(viii) Austrian winter peas, crimson clover, or vetch, grown for seed.

(ix) Land qualifying under practice (57), provided the land is adequately protected from erosion.

(x) Idle cropland on which approved terraces are constructed during the 1942 crop year.

(xi) Sweet sorghums, oats, rye, Sudan, or millet, cut green for hay, provided a strip one rod wide is left standing between each five-rod strip harvested (applicable only in arid and semi-arid areas recommended by the State committee and approved by the Agricultural Adjustment Administration).

Provided, however, That on farms of less than 20 acres of cropland this requirement may be met in whole or in part by growing winter cover crops or green manure crops regardless of any other use of the same land during the 1942 crop year: *Provided further*, That, in areas recommended by the State committee and approved by the Agricultural Adjustment Administration, on any farm this requirement may be met in whole or in part by growing green manure or cover crops regardless of any other use of the same land during the 1942 crop year, except that on any such farm the percentage of the cropland on the farm required to be devoted to such uses shall be 30 percent and the deduction from the net payment in connection with special crop allotments shall be 3½ percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland by which the required percentage is not reached.

(2) *Minimum acreage of erosion-resisting crops.* The net payment for any farm in connection with special crop allotments shall be subject to a deduction of 4 percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland on the farm by which the acreage of erosion-resisting crops and land uses on the farm is less than 25 percent of the cropland on the farm. Erosion-resisting crops and land uses for any county shall be determined by the State committee, with the approval of the Agricultural Adjustment Administration, and may include only cropland which is devoted in the program year to one or more of the following crops or uses:
Biennial or perennial legumes.

Perennial grasses.
Lespedeza.
Crotalaria.
Ryegrass.
Green manure crops.
Fall-seeded small grains (other than wheat) not harvested for grain.
Velvet beans.
Forest trees.
Protected summer fallow.
Sweet sorghums or millet for pasture.
Peanuts hogged off.
Cowpeas.

Thick-seeded Sudan grass.
Natal grass.
Winter legumes.
Soybeans.
Sweet clover.

Fallow rice land, or rice land on which noxious plants are controlled by mowing.
Land on which approved terraces are constructed during the 1942 program year and no intertilled row crops other than those listed in this subparagraph (2) are grown.

Land devoted to one or more of the above crops or land uses shall qualify toward meeting this requirement regardless of any other use of such land except when interplanted with row crops.

(3) *Farm conservation plan.* In counties, groups of counties, or States, upon recommendation of the State Committee and the approval of the Agricultural Adjustment Administration, the net payment that would otherwise be made with respect to special crop allotments for any farm in the county, group of counties, or State, as the case may be, shall be reduced by 1 percent for each 2 percent by which the producers on the farm fail to carry out during the 1942 program year that part approved for that year of a farm conservation plan approved for the farm as one which, over a period of years as recommended by the State committee and approved by the Agricultural Adjustment Administration, will conserve the soil and increase its productivity. Such a plan shall provide for the carrying out on the various parts of the farm of the soil-building practices needed for the proper balance between the various kinds of crops grown, for the elimination of erosion hazards, for the restoration of the necessary humus to the soil, and other good land uses. The amount of the deductions made under this provision, as estimated by the Agricultural Adjustment Administration, shall be available in the State or county where deducted for administrative expenses.

(4) *Minimum soil-building performance.* The payment made with respect to special crop allotments shall not exceed a percentage of the net payment earned with respect to such allotments equal to the percentage of that part of the soil-building allowance computed under § 701.302 (d) (1)-(3), which is earned for the farm, except that such limitation will not be applicable if (i) the amount of the soil-building payment earned equals or exceeds the maximum payment computed in connection with special crop allotments, or (ii) the farm is retired from agricultural production during the 1942 program year. In determining performance under this subparagraph, in areas designated by the Agricultural Adjustment Administration as areas where the allowance on noncrop open pasture is the major portion of the soil-building allowance on a substantial number of farms, the allowance on noncrop open pasture shall not be included.

11. Section 701.301 (k) and (l) are redesignated § 701.301 (j) and (k), respectively.

12. Section 701.302 (d) is hereby amended by changing the first proviso clause to read as follows:

§ 701.302 *Soil-building goals, payments and practices.*

(d) *Soil-building allowance.* * * *

Provided, That for any farm with respect to which the sum of the maximum payments computed under § 701.301 and subparagraphs (1) to (4), inclusive, of this paragraph is less than \$20.00, the amount determined under this paragraph shall be increased by the amount of such difference. * * *

13. Section 701.302 (d) (1) and the parenthetical sentence of § 701.302 (d) (2) are hereby deleted, and § 701.302 (d) (2), (3), (4), and (5) are redesignated § 701.302 (d) (1), (2), (3), and (4), respectively.

14. Section 701.302 (e) is amended to read as follows:

(e) *Deduction for failure to maintain practices under previous programs.*

Where the county committee, in accordance with instructions of the State committee, determines that (1) any terrace constructed, water development established, forest trees planted, or pasture established under any previous agricultural conservation program are not maintained in accordance with good farming practices, (2) any seeding of perennial legumes or grasses is destroyed after producers in the county have been generally informed that the destruction of such legumes or grasses is contrary to good farming practice, or (3) the effectiveness of any soil-building practice carried out under any previous program is destroyed during the 1942 program year contrary to good farming practice, there shall be deducted an amount equal to the payment that would be made under the 1942 program for a similar amount of such practice from the net payment due the person on the same or any other farm in the county who was responsible for the failure to maintain such practices. In the event the amount of such deduction exceeds the amount of payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary.

15. Section 701.302 (f), second and last paragraphs of Practice (1) are amended to read as follows:

(f) *Soil-building practices.*

In an area designated by the Agricultural Adjustment Administration as an area in which the average cost at the local distribution points of 48 pounds of available P_2O_5 , 500 pounds of basic slag or rock or colloidal phosphate, or 50 pounds of available K_2O is:

One bag of not less than 100 pounds of triple superphosphate furnished by the Agricultural Adjustment Administration will be considered the equivalent of 48 pounds of available P_2O_5 . * * *

16. Section 701.302 (f), Practice (6) is amended to read as follows:

(6) Seeding alfalfa, lespedeza sericea, wheatgrasses, or perennial bromegrasses: \$1.50 per acre.

17. Section 701.302 (f), Practice (7), is amended to read as follows:

(7) Seeding permanent grasses, or permanent pasture mixtures containing a full seeding of legumes or grasses, or both, other than timothy and redbud (applicable only to varieties and areas designated by the Agricultural Adjustment Administration with respect to which the cost of establishing improved pastures is exceptionally high and their increase is important). Any of the grasses, but not alfalfa and lespedeza sericea, listed in Practice (6) will be applicable; \$3.50 per acre.

18. Section 701.302 (f), the last paragraph of Practice (14) is amended to read as follows:

Rate of payment will be that part of the soil-building allowance which is computed under paragraph (d) (2) of this section: *Provided,* That (i) if grazing is deferred on less than 25 percent of the range land or pasture land, the payment shall be a proportionate percent for each 1 percent of the range land or pasture land included in such practice; and (ii) payment shall not exceed the value of practices carried out which are designated by the county committee in accordance with instructions issued with the approval of the Agricultural Adjustment Administration and for which payment otherwise will not be made, except that, in areas designated by the Agricultural Adjustment Administration as areas where only limited supplemental practices are required or are otherwise provided for, payment shall not exceed 50 percent (or if grazing is deferred on less than 25 percent of the range land or pasture land, 2 percent for each 1 percent of the range land or pasture land included in such practice) of the allowance computed under paragraph (d) (2) of this section, by more than the value of such practices carried out.

19. Section 701.302 (f), the last sentence of the first paragraph and the last sentence of the third paragraph, Practice (15), are amended to read as follows:

The rate of payment will be all of the soil-building allowance which is computed under paragraph (d) (2) of this section.

If, however, the county committee determines that 5 percent or more of the total acreage of grazing land has been injured by overgrazing in 1942, payment shall be reduced by 5 percent of the payment otherwise earned under this practice for each 1 percent of the total grazing area which is overgrazed in 1942.

20. Section 701.302 (f), Practice (18) is amended to read as follows:

(18) Construction of reservoirs and dams, including enlargement of inadequate earthen structures and diversion to off-channel sites—15 cents per cubic yard of material moved not in excess of 2,000 cubic yards for each development, and 10 cents per cubic yard of material moved in excess of 2,000 cubic yards, in making the fill or excavation, or \$6.00 per cubic yard of concrete or rubble masonry. Prior approval must be obtained from the county committee if constructed for the purpose of developing water for range livestock in connection with this practice on range land.

21. Sec. 701.302 (f), Practice (37) is amended to read as follows:

(37) Stripcropping, including protection of summer fallow by means of strip fall-a-wing. No credit will be given for this practice for any acreage qualifying under practice (38), (39), or (42).

(i) Contour stripcropping in areas where contour stripcropping is not normally practiced—\$1 per acre.

(ii) Stripcropping not on the contour—70 cents per acre.

22. Section 701.302 (f), Practice (38) is amended to read as follows:

(38) Protecting summer-fallowed acreage from wind and water erosion by contour listing, pit cultivation, contour cultivation with a shovel type implement, cultivation with a rod weeder, or incorporating stubble and straw into the surface soil. No credit will be given for this practice for any acreage qualifying under practice (37). No credit will be given for this practice when carried out on light sandy soils or on soils in any area where destruction of the vegetative cover results in the land becoming subject to serious wind erosion—70 cents per acre.

23. Section 701.302 (f), Practice (39) is amended to read as follows:

(39) Contour farming intertilled crops in areas where such crops are not normally farmed on the contour. No credit will be given for this practice for any acreage qualifying under Practice (37)—20 cents per acre.

24. Section 701.302 (f), Practice (41) is amended to read as follows:

(41) Pit cultivation, pits to be at least four inches in depth below surface of soil and constructed so that surfaces of pits cover at least 25 percent of the ground surface, or, in areas designated by the Agricultural Adjustment Administration as areas in which pit cultivation is not applicable, incorporation of stubble and straw into the surface soil in the fall as a protection against fall and winter erosion (no credit will be given for this practice when carried out on protected summer-fallowed acreage or as a part of a seeding operation)—15 cents per acre.

25. Section 701.302 (f), Practice (42) is amended to read as follows:

(42) Contour seeding of small grain crops, sorghums, millets, soybeans, or peas, when drilled in areas where such crops are not ordinarily seeded on the contour. No credit will be given for this practice for any acreage qualifying under Practice (37)—15 cents per acre.

26. Section 701.302 (f), Practice (54) is amended by changing the rate of payment from \$1.60 per acre to \$1.00 per acre.

27. Section 701.302 (f), Practice (62) is amended to read as follows:

(62) Performance of such supplemental conservation practices not normally carried out on the farm as are recommended by the State committee and approved by the Agricultural Adjustment Administration on any farm where 50 percent or more of the sum of the cropland and commercial orchard land as determined at the beginning of the program year is devoted to perennial grasses or perennial legumes or on any farm in arid or semi-arid areas designated by the Agricultural Adjustment Administration as areas in which it is unusually difficult to obtain a good stand of perennial grasses or legumes—One-half of the soil-building allowance. On any farm where the maximum payment that may be earned does not exceed \$20.00, excluding any allowance for planting forest trees, any part of the soil-building allowance may be earned under this practice.

28. Section 701.302 (f) is amended by adding the following new Practice (63):

(63) Performance of such supplemental conservation practices not normally carried out on the farm as are recommended by the State committee and approved by the Agricultural Adjustment Administration. This practice shall be applicable only in areas recommended by the State committee and approved by the Agricultural Adjustment Administration. The amount of payment for carrying out this practice in any area shall not exceed the amount by which the Agricultural Adjustment Administration determines that the payments for carrying out other practices in the area are reduced by reducing the rates of credit for such other practices below those which would otherwise be applicable for such practices in the area.

29. Section 701.303 (a), (1) and (2) are amended to read as follows:

§ 701.303. *Division of payments and deductions*—(a) *Payments and deductions in connection with crop acreage allotments and restoration land.* (1) The net payment or net deduction computed for any farm with respect to any special crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either acreages or percentages) that such persons are determined by the county

committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop(s) grown on the farm in 1942. Such determination shall be made at the time the county committee approves the application for payment: *Provided*, That if any such crop is not grown on the farm in 1942, or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed disease, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1942. *Provided further*, That if for any reason the total acreage of cotton on a farm in 1942 is less than 80 percent of the cotton allotment for the farm and the acreage of cotton planted or which would have been planted thereon by any producer in 1942 is a substantially smaller proportionate share of the acreage planted to cotton thereon than such producer normally plants thereon and all the persons who are or would have been entitled to receive a share of the proceeds of the cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1942, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1942: *And provided further*, That, in cases where two or more separately-owned tracts of land comprise a farm in any area designated by the Agricultural Adjustment Administration as an area in which a substantial proportion of the farms comprise two or more separately-owned tracts of land, and all persons who are entitled to receive a share of the proceeds of any such crop agree (or all landlords who are entitled to receive a share of the proceeds of any such crop agree, if in any area the payment to be divided pursuant to this proviso is limited by the Agricultural Adjustment Administration to that payment accruing to landlords on the farm), as shown by their signatures on the application for payment or a separate statement, the share of each such person in the net payment or net deduction computed with respect to such crop on such farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such crop and also results substantially in a division of such payment or deduction among landlords, tenants, and share-

croppers as classes as each such class shares in the crop, or proceeds thereof, with respect to which the payment or deduction is being made.

(2) The deductions with respect to (i) failure to meet the minimum conserving acreage requirement, (ii) insufficient acreage of erosion-resisting crops, (iii) failure to carry out a farm conservation plan, and (iv) insufficient soil-building performance shall be regarded as pro-rata deductions with respect to the net payment computed in connection with crop acreage allotments.

30. Section 701.305, second paragraph is amended to read as follows:

§ 701.305. *Payments limited to \$10,000.* * * *

All or any part of any payment which has been or otherwise would be made to any person under the 1942 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

31. Section 701.309 (a) (1), the wording appearing, following the words *Amount to be withheld or refunded:* in connection with Practice (v) is amended to read as follows:

The amount of the net deduction computed for such business enterprise.

32. Section 701.309 (a) (1), the wording appearing under *Practice* in connection with practices (xii) and (xiii), is amended to read as follows:

(xii) A person misuses or participates in the misuse of a marketing card with respect to any commodity for which marketing quotas are in effect or fails to file or knowingly falsifies any report required by or under the regulations pertaining to marketing quotas for the 1941-42 or 1942-43 marketing year and such misuse or failure to file or falsification of such report results in any erroneous or incomplete record pertaining to any farm in connection with marketing quotas.

(xiii) A person whose maximum payment computed without regard to the \$10,000 limitation is in excess of \$10,000 adopts practices which result in a substantial difference between the maximum payment so computed and the payment after applying all applicable deductions except the \$10,000 limitation and the deduction for administrative expenses.

33. Section 701.314 (a) is amended to read as follows:

§ 701.314 *Authority, availability of funds, and applicability—*

(a) *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment

Act (49 Stat. 1148, 16 U.S.C. 590g to 590q), as amended, and is contingent upon legislative authority to the Secretary to exercise after December 31, 1941, the powers now conferred on him by section 8 of the Act. In connection with the effectuation of the purposes of section 7 (a) of said Act for 1942 the payments provided for herein will be made for participation in the 1942 program.

Done at Washington, D. C., this 27th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-8129; Filed, October 29, 1941; 11:07 a. m.]

[Cotton 1942-43]

PART 722—COTTON

PROCLAMATION OF COTTON MARKETING QUOTAS, 1942-43 MARKETING YEAR

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

Sec. 342. Not later than November 15 of each year the Secretary [of Agriculture] shall find and proclaim (a) the total supply, the normal supply, and the carry-over of cotton as of August 1 of such year, (b) the probable domestic consumption of American cotton during the marketing year commencing August 1 of such year, (c) the probable exports of American cotton during such marketing year, and (d) the estimated carry-over of cotton as of the next succeeding August 1.

Sec. 345. Whenever the Secretary determines that the total supply of cotton for any marketing year exceeds by more than 7 per centum the normal supply thereof for such marketing year, the Secretary shall proclaim such fact not later than November 15 of such marketing year * * * and marketing quotas shall be in effect during the next succeeding marketing year with respect to the marketing of cotton. Cotton produced in the calendar year in which such marketing year begins shall be subject to the quotas in effect for such marketing year notwithstanding that it may be marketed prior to August 1.

Sec. 343. (a) Not later than November 15 of each year the Secretary shall find and proclaim the amount of the national allotment of cotton for the succeeding calendar year in terms of standard bales of five hundred pounds gross weight. The national allotment shall be the number of bales of cotton adequate, together with the estimated carry-over as of August 1 of such succeeding calendar year, to make available a supply of cotton, for the marketing year beginning on such August 1, equal to the normal supply.

(b) * * * The national allotment for any year (after 1939) shall be not less than ten million bales.

(c) Notwithstanding the foregoing provisions of this section, the national allotment for any year shall be increased by a number of bales equal to the production of the acres allotted under section 344 (e) for such year.

Sec. 344. (a) The national allotment for cotton for each year (excluding that portion of the national allotment provided for in section 343 (c)) shall be apportioned by the Secretary among the several States on the basis of the average, for the five years preceding the year in which the national allotment is determined, of the normal production of cotton in each State. The normal production of a State for a year shall be (1) the quantity produced therein plus (2) the

normal yield of the acres diverted in each county in the State under the previous agricultural adjustment or conservation programs. The normal yield of the acres diverted in any county in any year shall be the average yield per acre of the planted acres in such county in such year times the number of acres diverted in such county in such year.

(b) The Secretary shall ascertain, on the basis of the average yield per acre in each State, a number of acres in such State which will produce a number of bales equal to the allotment made to the State under subsection (a). Such number of acres plus the number of acres allotted to the State pursuant to subsection (e) (2) is referred to as the "State acreage allotment". The average yield per acre for any State shall be determined on the basis of the average of the normal production for the State for the years used in computing the allotment to the State, and the average, for the same period, of the acres planted and the acres diverted in the State.

(c) (1) The State acreage allotment (less the amount required for apportionment under paragraph (2)) shall be apportioned annually by the Secretary to the counties in the State. The apportionment to the counties shall be made on the basis of the acreage planted to cotton during the five calendar years immediately preceding the calendar year in which the State allotment is apportioned (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such five-year period.

(2) Not more than 2 per centum of the State acreage allotment shall be apportioned to farms in such State which were not used for cotton production during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton; crop rotation practices; and the soil and other physical facilities affecting the production of cotton.

(e) (1) For 1938, 1939, and any subsequent year, the Secretary shall allot to the several counties, to which an apportionment is made under subsection (c), a number of acres required to provide a total acreage for allotment under this section to such counties of not less than 60 per centum of the sum of (1) the acreage planted to cotton in such counties in 1937, plus (2) the acreage therein diverted from cotton production in 1937 under the agricultural adjustment and conservation program. The acreage so diverted shall be estimated in case data are not available at the time of making such allotment.

(2) The Secretary shall allot to each State to which an allotment is made under subsection (b), and in which at least three thousand five hundred bales were produced in any of the five years immediately preceding the year for which the allotment is made, a number of acres sufficient to provide a total State acreage allotment for such State of not less than five thousand acres.

Whereas said Act contains, in section 301 (b), the following definitions of terms pertinent herein:

"Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand either within or without the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Cotton, August 1-July 31 * * * * *
"Normal supply" in the case of cotton * * * shall be a normal year's domestic consumption and exports of the commodity, plus * * * 40 per centum in

the case of cotton * * * of a normal year's domestic consumption and exports, as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of cotton * * *, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of * * * cotton * * *, shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years * * * immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

"Total supply" of * * * cotton * * * for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins.

Whereas said Act provides, in section 301 (c), that:

The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.

And whereas said Act provides, in section 350, that the provisions of Part IV (Marketing Quotas—Cotton) of subtitle B of Title III thereof

* * * shall not apply to cotton the staple of which is 1½ inches or more in length * * *

§ 722.401 *Findings and determinations.* Now, therefore, be it known that I, Grover B. Hill, Acting Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby find, determine, and proclaim under sections 342, 343, and 345 of said Act (52 Stat. 56, 58, 203; 53 Stat. 1125; 7 U.S.C., Sup., 1342, 1343, 1345);

(a) That the "total supply" of American cotton as of August 1, 1941, was 23,800,000 running bales;

(b) That the "normal supply" of American cotton as of August 1, 1941, was 18,200,000 running bales;

(c) That the "carry-over" of American cotton as of August 1, 1941, was 12,800,000 running bales;

(d) That the "probable domestic consumption of American cotton" during the marketing year commencing August 1, 1941, is 10,500,000 running bales;

(e) That the "probable exports of American cotton" during the marketing year beginning August 1, 1941, is 1,250,000 running bales;

(f) That the estimated "carry-over" of American cotton as of August 1, 1942, is 11,600,000 running bales;

(g) That the "total supply" of American cotton for the marketing year beginning August 1, 1941, exceeds by more than 7 per centum the "normal supply" of cotton for such marketing year; and

(h) That the national allotment of cotton for the calendar year beginning on January 1, 1942, shall be 10,000,000 standard bales of five hundred pounds gross weight, increased by that number of standard bales of five hundred pounds gross weight equal to the production in the calendar year 1942 of that number of acres required to be allotted for 1942 under the terms of section 344 (e) of said Act.

Done at Washington, D. C., this 28th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

GROVER B. HILL,

Acting Secretary of Agriculture.

[F. R. Doc. 41-8116; Filed, October 28, 1941; 3:20 p. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

The Secretary of Agriculture, acting under and pursuant to, and by virtue of the authority vested in him by section 313 of the Agricultural Adjustment Act of 1938, as amended, does hereby determine that:

§ 726.402 *Determination of the apportionment of the national marketing quota among States and determination of State yields per acre, and State acreage allotments for fire-cured tobacco for the 1942-43 marketing year.* The national quota for the 1942-43 marketing year, as proclaimed by the Secretary of Agriculture on October 21, 1941,¹ is hereby apportioned among the States, and State yields per acre and State acreage allotments are hereby established in accordance with the following table:

State and new farms	Marketing quotas	Yields per acre	Acreage allotments
	1,000 pounds	Pounds	Acres
Virginia.....	12,182	858	14,198
Kentucky.....	26,235	838	31,307
Tennessee.....	28,996	861	33,677
Illinois.....	10	860	12
Missouri.....	9	860	10
New Farms.....	68	851	80
Total U. S.....	67,500	851	79,284

(Issued pursuant to 52 Stat. 38 et seq.; 53 Stat. 1261; 7 U.S.C. 1301 et seq.)

Done at Washington, D. C., this 29th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-8128; Filed, October 29, 1941; 11:07 a. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

The Secretary of Agriculture, acting under and pursuant to, and by virtue of the authority vested in him by section 313 of the Agricultural Adjustment

¹ 6 F.R. 5443.

Act of 1938, as amended, does hereby determine that:

§ 726.452 *Determination of the apportionment of the national marketing quota among States and determination of State yields per acre, and State acreage allotments for dark air-cured tobacco for the 1942-43 marketing year.* The national quota for the 1942-43 marketing year, as proclaimed by the Secretary of Agriculture on October 21, 1941,¹ is hereby apportioned among the States, and State yields per acre and State acreage allotments are hereby established in accordance with the following table:

State and new farms	Marketing quotas	Yields per acre	Acreage allotments
	1,000 pounds	Pounds	Acres
Kentucky.....	23,740	871	27,256
Tennessee.....	3,263	859	3,799
Indiana.....	264	843	313
Missouri.....	6	860	7
New Farms.....	27	869	31
Total U. S.....	27,300	869	31,406

(Issued pursuant to 52 Stat. 38 et seq.; 53 Stat. 1261; 7 U.S.C. 1301 et seq.)

Done at Washington, D. C., this 29th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-8127; Filed, October 29, 1941; 11:07 a. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[O-34-1]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

AMENDMENT NO. 1 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

Claude R. Wickard, Secretary of Agriculture of the United States of America, issued, effective August 1, 1941, Order No. 34,² as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

Claude R. Wickard, Secretary of Agriculture of the United States of America, tentatively approved on July 14, 1941, the marketing agreement, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing which was held at Lawrence, Massachusetts, on August 28, 1941, at which time and place all interested par-

¹ 6 F.R. 5444.

² 6 F.R. 3768.

ties were afforded an opportunity to be heard upon certain proposals to amend the tentatively approved marketing agreement, as amended, and the order, as amended.

§ 934.0 Findings.

It is found upon the evidence introduced at the last above-mentioned public hearing, such findings being in addition to the findings made upon the evidence introduced at the hearing on the order and the various amendments thereto, and being in addition to the other findings made prior to or at the time of the original issuance of the order or the various amendments thereto (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

(f) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(g) That the order regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and

(h) That the issuance of this amendment No. 1 to the order, as amended, and all of its terms and conditions, tends to effectuate the declared policy of the act. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. and Sup., 601 et seq.)

It is hereby ordered that the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, shall be, and it is hereby amended as follows:

1. In § 934.3 (b) (2) delete the words "not less than one-half of 1 percent butterfat and not more than 16 percent" and substitute therefor the following: "One-half of 1 percent or more, but less than 16 percent of butterfat."

2. Delete § 934.4 (b) (1) and (2) and substitute therefor the following:

§ 934.4 Minimum prices.

(b) *Class I price to producers.* (1) For milk delivered from producers' farms to such handler's plant located within 20 miles of the City Hall in Lowell or Lawrence the price per hundredweight during each delivery period shall be as set forth in the table in this subparagraph during delivery periods prior to April 1,

1942, and thereafter \$3.26 per hundredweight: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be 47 cents less than the price otherwise applicable pursuant to this subparagraph.

92-score butter, wholesale, at New York, average of daily quotations of the United States Department of Agriculture for 30 days immediately preceding the 25th of each month (cents per pound)	Class I price for the delivery period following the 25th day of each month
Under 40.....	3.63
40 or over.....	3.86

(2) For milk delivered from producers' farms to such handler's plant not located within 20 miles of the City Hall in Lowell or Lawrence the price per hundredweight during each delivery period shall be the price effective pursuant to subparagraph (1) of this paragraph, less an amount per hundredweight equal to the sum of 13 cents and the average of the freight rates (considering 85 pounds to one 40-quart can), from the railroad shipping point for such handler's plant to Lowell and to Lawrence, calculated according to the lowest applicable rail tariffs for the transportation in carload lots of milk in 40-quart cans.

Issued at Washington, D. C., this 29th day of October 1941, to become effective on and after the 1st day of November 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-8155; Filed, October 29, 1941; 11:56 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 53—NATIONAL CEMETERIES¹

§ 53.1 *Authority for establishment.* National cemeteries are established under orders of the Secretary of War when empowered by act of Congress. (R.S. 4870; 24 U.S.C. 271) [Par. 1, AR 30-1840, Oct. 6, 1941]

§ 53.2 *Control and supervision.* The direct control and supervision of national cemeteries are exercised by the commander of the corps area in which they are located, except those cemeteries which are specifically exempted. General supervision over all national cemeteries is a function of The Quartermaster General. (R.S. 161; 5 U.S.C. 22) [Par. 3, AR 30-1840, Oct. 6, 1941]

§ 53.3 *Records, custody.* The Quartermaster General is charged with the preservation of all records of national

cemeteries. Historical records will be prepared and maintained for all national cemeteries, utilizing the same Quartermaster Corps forms as for historical records of posts and stations. (R.S. 161; 5 U.S.C. 22) [Par. 5, AR 30-1840, Oct. 6, 1941]

§ 53.4 *Burials in national cemeteries—(a) Eligibility.* Under the provisions of R.S. 4878, as amended by act April 15, 1920 (41 Stat. 552; 24 U.S.C. 281) and act June 13, 1935 (49 Stat. 339; 24 U.S.C. 281), the following persons are entitled to burial in a national cemetery:

(1) Those who served in the Federal forces of the United States either during peace or war and whose last discharge therefrom was honorable, including service in the—

- (i) Army.
- (ii) Navy.
- (iii) Marine Corps.
- (iv) Coast Guard.

(v) Coast and Geodetic Survey, who were transferred to and served with the Army or Navy by authority of the President.

(vi) Public Health Service, who were detailed for duty with and served with the Army or Navy by authority of the President.

(vii) Trainees under the act approved September 16, 1940.

(2) Any citizen of the United States who served in the army or navy of any government at war with Germany or Austria during the World War and who died while in such service or after honorable discharge therefrom, and who was a citizen of the United States at the time of such service.

(3) Persons dying in the District of Columbia or in the immediate vicinity thereof who served in the Confederate armies during the Civil War may be buried in the Confederate Section of Arlington National Cemetery as provided in paragraph (b) of this section.

(4) Any member of the Cabinet of the President of the United States at any time during the period between April 6, 1917, and November 11, 1918.

(b) *Evidence of right.* For those who were not in the service of the United States at the time of death, it is a prerequisite that they shall have been honorably discharged from the service. In all cases the last service of a decedent must have been honorable. The production of the honorable discharge covering the last service of a decedent will be sufficient authority for the superintendent of a national cemetery to permit interment. In cases where the honorable discharge cannot be produced or where there is a reasonable doubt as to eligibility for interment in a national cemetery, the superintendent will telegraph The Quartermaster General for verification of service and authorization for interment, furnishing all the information it is possible to obtain concerning the service of the decedent including the full name, organization, serial number, if any,

¹ §§ 53.1 to 53.4 are superseded.

and dates of service. In the case of citizens of the United States who served in the army or navy of any government at war with Germany or Austria, the superintendent will request evidence of citizenship at time of service, correct name of decedent, grade, and military organization in the army in which he served and will communicate with The Quartermaster General by telegraph for the necessary permit for burial. Pension certificates will not be accepted as authority upon which to authorize interment.

In the case of Confederate veterans, the certificate of Camp No. 171, United Confederate Veterans of the District of Columbia, that such persons are entitled to burial in Arlington National Cemetery, is required.

In the case of members of the President's Cabinet as indicated in paragraph (a) of this section, authority for interment will be requested of The Quartermaster General.

(c) *Interment of members of families.*
(1) The wives of both officers and enlisted men may be buried with their husbands in a national cemetery. In the case of an officer, two grave sites are assigned, one for the officer and the other for his wife. In those cemeteries having officers' sections in which lots are laid out, a lot containing two grave sites is assigned. In the other cemeteries when either the officer or his wife is buried, the adjoining grave site will be reserved for the one surviving. The wife of an officer may be interred prior to the death and burial of her husband. In those cemeteries where lots are assigned to officers, the burial of minor children and unmarried adult daughters (this includes daughters who have never married, widows, and divorcees) is permitted, provided there is room in the officer's lot, under the following conditions:

(i) That the fact of the interment shall be entered on the records of the cemetery, but the name shall not appear on any monument on the lot.

(ii) That the grave shall be marked, if so desired, at private expense, only with a footstone sunk flush with the ground, not exceeding 10 to 20 inches at the top, with a suitable identifying inscription and dates of birth and death.

(iii) That the written concurrence in the above conditions by the legal next of kin be forwarded to The Quartermaster General.

(2) The wives of enlisted men may be buried in the same grave with their husbands in a national cemetery but only after the death and interment therein of the veterans concerned, except where the enlisted man is 70 years of age or over, in which case interment of his wife prior to his death is authorized, provided he gives assurance that he will eventually be buried in the same grave.

(3) No lots or grave sites will be assigned in advance of their actual require-

ment for burial purposes. (R.S. 4878; 41 Stat. 552; 49 Stat. 339; 24 U.S.C. 281) [Par. 8, AR 30-1840, Oct. 6, 1941]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8118; Filed, October 29, 1941; 9:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4519]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MILES BROKERAGE COMPANY, INC., ET AL.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In purchasing commodities in interstate commerce, and on the part of respondents Miles & Company, Inc., Miles-Bradford Company, and Miles-Kane Company, and their officers, etc. (and among other things, as in order set forth), (1) accepting from sellers, directly or indirectly, any allowance or discount in lieu of brokerage fees or commissions in whatever manner or form said allowances, discounts, brokerage fees or commissions may be offered, allowed, granted, paid or transmitted; and (2) accepting from sellers in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage fee, or other compensation, or any allowance or discount in lieu thereof, upon purchases of commodities made by the respondents; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13c) [Cease and desist order, Miles Brokerage Company, Inc., et al., Docket 4519, October 22, 1941]

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* Among other things, as in order set forth, and on the part of respondent Miles Brokerage Company, Inc., its officers, etc., (1) accepting or receiving from sellers, directly or indirectly, in connection with the purchase of commodities in interstate commerce by Miles & Company, Inc., Miles-Bradford Company, and Miles-Kane Company under the facts and circumstances as set forth in Paragraph Eight of the findings of fact (i. e., as there set forth, in transactions of purchase and sale in which said respondent Miles Brokerage Company, Inc., acted in fact for and on behalf of aforesaid three concerns), any brokerage fees or commissions, or any allowance or discount in lieu of brokerage, in whatever manner or form said brokerage fees, allowances and discounts may be offered, allowed, granted, paid or transmitted; and (2) accepting or receiving from sellers, directly or indirectly, in connection with the purchase

of commodities in interstate commerce by any person, partnership, firm or corporation, in connection with which purchases said Miles Brokerage Company, Inc., acting as intermediary or agent, is subject to the direct or indirect control, or acts in fact for or in behalf of, any of said purchasers, any brokerage fees or commissions, or any allowance or discount in lieu of brokerage, in whatever manner or form said brokerage fees, allowances and discounts may be offered, allowed, granted, paid or transmitted; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13c) [Cease and desist order, Miles Brokerage Company, Inc., et al., Docket 4519, October 22, 1941]

In the Matter of Miles Brokerage Company, Inc., a Corporation; Miles & Company, Inc., a Corporation; Miles-Bradford Company, a Corporation; Miles-Kane Company, a Corporation, Respondents

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of October, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents and a stipulation as to the facts entered into between the respondents and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon respondents findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of Section 2 (c) of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. title 15, section 13):

It is ordered, That in purchasing commodities in interstate commerce, the respondents Miles & Company, Inc., Miles-Bradford Company, Miles-Kane Company, their officers, representatives, agents and employees, do forthwith cease and desist from:

(1) Accepting from sellers, directly or indirectly, any allowance or discount in lieu of brokerage fees or commissions in whatever manner or form said allowances, discounts, brokerage fees or commissions may be offered, allowed, granted, paid or transmitted; and

(2) Accepting from sellers in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage fee, or other compensation, or any allowance or discount in lieu thereof, upon purchases of commodities made by the respondents.

It is further ordered, That the respondent, Miles Brokerage Company,

¹ 6 F.R. 3015.

Inc., its officers, agents, representatives and employees, do forthwith cease and desist from:

(1) Accepting or receiving from sellers, directly or indirectly, in connection with the purchase of commodities in interstate commerce by Miles & Company, Inc., Miles-Bradford Company, and Miles-Kane Company under the facts and circumstances as set forth in Paragraph Eight of the findings of fact, any brokerage fees or commissions, or any allowance or discount in lieu of brokerage, in whatever manner or form said brokerage fees, allowances and discounts may be offered, allowed, granted, paid or transmitted; and

(2) Accepting or receiving from sellers, directly or indirectly, in connection with the purchase of commodities in interstate commerce by any person, partnership, firm or corporation, in connection with which purchases said Miles Brokerage Company, Inc., acting as intermediary or agent, is subject to the direct or indirect control, or acts in fact for or in behalf, of any of said purchasers, any brokerage fees or commissions, or any allowance or discount in lieu of brokerage, in whatever manner or form said brokerage fees, allowances and discounts may be offered, allowed, granted, paid or transmitted.

It is further ordered, That each of the said respondents Miles Brokerage Company, Inc., Miles & Company, Inc., Miles-Bradford Company, Miles-Kane Company, corporations, shall within sixty (60) days after service upon each of them of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist hereinabove set forth by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8126; Filed, October 29, 1941;
10:43 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50501]

PART 5—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS

The Customs Regulations of 1937 are hereby amended as follows:

Article 259 (b) is amended to read as follows:

(b) Internal Revenue Code, section 3361 (c), 53 Stat. 406 (U.S.C., Sup. V, title 26, sec. 3361 (c)), as amended by the Act of July 22, 1941 (Public, No. 187, 77th Congress):

(c) *Draw-Back of Tax Paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United

States to Puerto Rico, Guam, or American Samoa.

Article 266 (c) is amended to read as follows:

(c) Internal Revenue Code, section 3341 (c), 53 Stat. 404 (U.S.C., Sup. V, title 26, sec. 3341 (c)), as amended by the Act of July 22, 1941 (Public, No. 187, 77th Congress):

(c) *Draw-Back of Tax Paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Philippine Islands.

Article 270 (d) [§ 5.9 (c)], as amended by T.D. 49658,¹ is amended by deleting the last sentence and substituting the following:

§ 5.9 *Guam, Wake Island, Midway Islands, Kingman Reef, and American Samoa.*

(c) * * * No drawback of customs duties is allowable under section 313 of the Tariff Act of 1930 on articles manufactured or produced in the United States with the use of imported merchandise and shipped to Guam, Wake Island, Midway Islands, Kingman Reef, or American Samoa. No drawback of internal revenue tax is allowable under section 313 of the tariff act on articles manufactured or produced in the United States with the use of domestic tax-paid alcohol and shipped to Wake Island, Midway Islands, or Kingman Reef. (Sec. 3, Act of July 22, 1941, Public, No. 187, 77th Congress; sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

Article 270 is further amended by adding a new paragraph (e), reading as follows:

(e) Internal Revenue Code, section 3361 (c), 53 Stat. 406 (U.S.C., Sup. V, title 26, sec. 3361 (c)), as amended by the Act of July 22, 1941 (Public, No. 187, 77th Congress):

(c) *Draw-back of tax paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to Puerto Rico, Guam, or American Samoa.

Article 272 (e) [paragraph (e) of § 5.10 *Virgin Islands*] is amended by deleting "or domestic tax-paid alcohol" in the second sentence thereof after the words "with the use of imported merchandise", and a new paragraph (f) is added as follows:

(f) Internal Revenue Code, section 3351, 53 Stat. 405 (U.S.C., Sup. V, title 26, sec. 3351), as amended by the Act of July 22, 1941 (Public, No. 187, 77th Congress):

(c) *Draw-back of tax paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States

are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Virgin Islands.

Article 464 (a), as amended by T.D. 49658, is further amended by inserting "and by the Act of July 22, 1941 (Public, No. 187, 77th Congress), section 3" after the citation "Customs Administrative Act of 1938, section 5 (a)" and by inserting in the quotation of section 309 (a) of the Tariff Act of 1930, as amended, after the words "internal-revenue tax" a comma and the words "or from any internal revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal revenue tax". (Sec. 3, Act of July 22, 1941, Public, No. 187, 77th Congress; sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

Article 1065 (a), as amended by T.D. 49658, is further amended by inserting "and by the Act of July 22, 1941 (Public, No. 187, 77th Congress), section 3" after the citation "Customs Administrative Act of 1938, section 5 (a)" and by inserting in the quotation of section 309 (a) of the Tariff Act of 1930, as amended, after the words "internal-revenue tax" a comma and the words "or from any internal revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal revenue tax". (Sec. 3, Act of July 22, 1941, Public, No. 187, 77th Congress; sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

Article 1072 (b) is amended to read as follows:

(b) Internal Revenue Code, section 3361 (c), 53 Stat. 406 (U.S.C., Sup. V, title 26, sec. 3361 (c)), as amended by the Act of July 22, 1941 (Public, No. 187, 77th Congress):

(c) *Draw-back of tax paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to Puerto Rico, Guam, or American Samoa.

Paragraph (c) of article 1072 is redesignated (e); paragraph (d) of article 1072, as amended by T. D. 49658, is redesignated (f) and is further amended to read as follows:

(f) There is no authority of law for the payment of drawback of internal revenue tax on articles manufactured or produced in the United States and shipped to Alaska, Hawaii, Wake Island, Midway Islands, or Kingman Reef. (Act of July 22, 1941, Public, No. 187, 77th Congress. Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

Article 1072 is further amended by adding new paragraphs designated (c) and (d) as follows:

(c) Internal Revenue Code, section 3351, 53 Stat. 405 (U.S.C., Sup. V, title 26, sec. 3351), as amended by the Act of July 22, 1941 (Public, No. 187, 77th Congress):

(c) *Draw-back of tax paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax

¹ 13 F.R. 1809.

on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Virgin Islands.

(d) Internal Revenue Code, section 3341 (c), 53 Stat. 404 (U.S.C., Sup. V, title 26, sec. 3341 (c)), as amended by the Act of July 22, 1941 (Public, No. 187, 77th Congress):

(c) *Draw-back of tax paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Philippine Islands.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.
Approved: October 25, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.
[F. R. Doc. 41-8107; Filed, October 28, 1941;
11:27 a. m.]

TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1072]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND
CONDITIONALLY PROVIDING FOR FINAL RE-
LIEF IN THE MATTER OF THE PETITION OF
BITUMINOUS COAL PRODUCERS BOARD FOR
DISTRICT NO. 7 FOR THE ESTABLISHMENT
OF PRICE CLASSIFICATIONS AND MINIMUM
PRICES FOR THE COALS OF CERTAIN MINES
IN DISTRICT NO. 7 FOR ALL SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices, for all

shipments for the coals produced at the mines of certain code members in District 7; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and
No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement

ment T, which supplements are herein-after set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and Supplements thereto.

§ 327.11 *Low volatile coals: Alphabetical list of code members—Supplement R*

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.									
								1	2	3	4	5	6	7	8	9	10
247	Lindsey & Borden (C. F. P. Lindsey)	#1	3	Poca, #3	Eckman, W. Va.	N. & W.	20	(1)	(1)	(1)	(1)	(1)	(1)	B	(1)	(1)	(1)
244	Lynch, F. H.	Big Beaver	2	Beckley	Blue Jay, W. Va.	C. & O.	10	(1)	(1)	(1)	(1)	(1)	B	B	(1)	(1)	(1)
639	Oakes, C. V.	Blue Jay #6	2	Beckley	Blue Jay, W. Va.	C. & O.	10	(1)	(1)	(1)	(1)	(1)	A	A	(1)	(1)	(1)
246	P. & P. Coal Co. (Willard Porter)	Warrior	4	War Creek	War, W. Va.	N. & W.	30	(1)	(1)	(1)	(1)	(1)	E	B	(1)	(1)	(1)
717	Pasley, Thos E.	Pasley	1	Sewell	Cobb's Siding, W. Va.	C. & O.	17	(1)	(1)	(1)	(1)	(1)	B	B	(1)	(1)	(1)
248	Peartless Coal & Coke Company	Peartless #1	3	Poca, #4	Vivian, W. Va.	N. & W.	20	B	(1)	(1)	(1)	(1)	(1)	(1)	D	(1)	(1)

Indicates no classifications effective for these size groups.

TRUCK SHIPMENTS

§ 327.34 General prices in cents per net ton for shipment into any market area—
Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump $\frac{3}{4}$ " or larger, all egg and stove	All nut or pea $1\frac{1}{4}$ " top size or smaller	Screened M/R	Straight mine run	$1\frac{1}{4}$ " screenings	$\frac{3}{4}$ " screenings
						1	2	3	4	5	6
Harman Coal Company (D. G. Harman)	242	Simon.....	4	McDowell..	Fire Creek..			270	205		
Lindsey & Borden (C. F. P. Lindsey)	247	#1.....	3	McDowell..	Poca. #3.....			280	215		
Lynch, F. H.	244	Big Beaver....	2	Raleigh....	Beckley.....			280	215		
Miller, John Allen	235	Vesey.....	2	Fayette....	Gilbert.....			280	215		
P. & P. Coal Co. (Willard Porter)	246	Warrior.....	4	McDowell..	War Creek....			250	195		
Peerless Coal & Coke Company.	248	Peerless #4....	3	McDowell..	Poca. #4.....	315		280	215	185	

[F. R. Doc. 41-8104; Filed, October 28, 1941; 10:21 a. m.]

[Docket No. A-206]

PART 342—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 22

FINDINGS OF FACT, CONCLUSIONS OF LAW AND MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NUMBER 22 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

This is a proceeding instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, upon the petition of District Board 22, filed with the Bituminous Coal Division, proposing and seeking the establishment of a separate size group in its Schedule of Effective Minimum Prices to be known as Size Group 2A for its $\frac{1}{2}$ " lump coals; and the establishment of a classification of "B", with a corresponding price of \$3.25 per ton f. o. b. the mine, for coal of producers in Subdistrict 4 in this Size Group 2A for shipment by truck to all market areas; a classification of "B" with a corresponding price of \$2.75 per ton f. o. b. the mine on Size Group 7 (2" x $1\frac{1}{4}$ ") coals; and a classification of "B", with a corresponding price of \$.75 per ton f. o. b. the mine on Size Group 12 ($\frac{1}{2}$ " x 0) coals. Coals in the foregoing size groups have not been heretofore classified or priced.

By Order, dated December 13, 1940, 5 F.R. 5155, the Director granted temporary relief establishing temporary price classifications and minimum prices for coals involved in this matter, in general conformance with petitioner's proposals. Pursuant to this Order also, and after due notice to all interested persons, a hearing was held in this matter on January 28, 1941, before Thurlow G. Lewis, a duly designated Examiner of the Division in the Federal Building, Salt Lake

City, Utah. At the hearing all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise to be heard.

Appearances were entered in behalf of the petitioner and the Consumers' Counsel Division. No opposition to the matters involved in this proceeding was noted in this record.

On January 28, 1941, the petitioner filed with the Division a waiver of the preparation and filing of a report by the Examiner, and this matter was thereupon submitted to the undersigned.

To support its requests for relief herein, the petitioner adduced the testimony of D. F. Buckingham, Secretary of District Board No. 22. He testified that on October 3, 1940, a group of code members from Subdistrict 4 consulted with the members of District Board No. 22 and requested a separate price in the Schedule of Effective Minimum Prices for District 22 for an additional size group classification for $\frac{1}{2}$ " lump coal. The code members represented to the District Board that there was a need for this size of coal for use by commercial and industrial buildings in the City of Lewistown, Montana. Moreover, it was represented that there was a market for $\frac{1}{2}$ " slack coal resultants from the screening of the $\frac{1}{2}$ " lump.¹

At the conference the code members also represented that there was a need in Subdistrict 4 for the establishment of a minimum price for the standard nut size of 2" x $1\frac{1}{4}$ " and the $\frac{1}{2}$ " x 0 slack coals.

At the conclusion of the conference it was agreed that prices of \$3.25 for $\frac{1}{2}$ " lump coal, \$2.75 for 2" x $1\frac{1}{4}$ " nut size coal, and \$.75 for $\frac{1}{2}$ " slack were proper.

¹ The principal market for $\frac{1}{2}$ " slack was said to be a gypsum plant located in the vicinity of Lewistown.

Notices of the agreed minimum prices for these size groups were sent to all code members affected, but no protests were made thereto.

Evidence was adduced that all code members affected herein are located in the Lewistown field in Subdistrict 4, south and east of the City of Lewistown, generally ten or twelve miles distant therefrom, and produce the same quality of coals. They are small truck operators having an aggregate total tonnage in 1939 of approximately 6,000 tons. Four producers in Subdistrict 4 are located in the Winifred and Suffolk areas thirty-five or forty miles to the north of the City of Lewistown, which produce coal in a different vein and of an inferior quality to that produced in the Lewistown field and are therefore not competitive with the Lewistown coal. In the opinion of the witness, these code members in Winifred and Suffolk fields have no need of the additional sizes and prices shown in the Board's petition since they do not produce such sizes.

Upon the basis of the uncontroverted evidence, I find that the price classifications and minimum prices sought by the petitioner herein and temporarily established by my Order of December 13, 1940, are reasonable and necessary, and should be made permanent.

For the foregoing reasons, and based upon the above findings of fact, I conclude that the price classifications and minimum prices established in my Order dated December 13, 1940, comply with all the requirements of the Bituminous Coal Act of 1937 and with the standards of section 4 II (a) and (b) thereof; their establishment as the effective minimum prices for the coals in order to effectuate the purposes of the said section 4 II (a) and (b) is necessary.

Now, therefore, it is ordered, That § 342.2 (Size group table) and § 342.21 (General prices) in the Schedule of Effective Minimum Prices for District 22 For All Shipments be and they hereby are amended as follows: Commencing forthwith the coals produced in Subdistrict 4 referred to in Supplements R and T hereto attached and made a part hereof shall be subject to the provisions and minimum prices provided therein.

Dated: October 7, 1941.

[SEAL]

H. A. GRAY,
Director.

DISTRICT NO. 22

NOTE: The material contained in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule for this District and Supplements thereto.

FOR ALL SHIPMENTS

The following additions shall be made in Price Schedule No. 1 for District No. 22:

§ 342.2 Size group table—Supplement R. Insert Size Group No. "2-A-Lump" in proper numerical order and show the

maximum screen opening for this Size Group to be $\frac{1}{2}$."

§ 342.21 *General prices*—Supplement T. Subdistrict No. 4—The following prices in cents per net ton for shipment into all Market Areas shall apply: Size Group No. 2A-325; Size Group No. 7-275; Size Group No. 12-75; and shall be made applicable to the following:

Code member	Mine
Baron, C. W.	Charles.
Brown, R. A.	Brown.
Carlson, Fred.	Lewistown.
Cowen, Hall.	Cowen.
Davidson & Son (Lewis C. Davidson).	Brew.
Deyoe, Frank.	Black Diamond.
Kovich, Joe (Domestic Coal Co.).	Domestic.
Lott, Clarence.	Lott.
McBride, E. E.	Pine Tree.
McDonald, Charles.	McDonald.
Miller & Son (Roy J. Miller).	Anderson.
Skaggs Bros.	Skaggs.
Smith, Clarence R.	Gilt Edge.
Swanson & Plovianich (William C. Swanson Jr.).	Smith.
Swanson, William.	Swanson.
Tuss, Anton.	Uncle Sam.
Tuss, Cyril M.	Divide.
Tuss, Cyril M.	Zich.
Zellick Brothers (Sam Zellick).	Zellick.

[F. R. Doc. 41-8105; Filed, October 28, 1941; 10:22 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[No. 31]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A¹ to Volume One of the Selective Service Regulations, I hereby prescribe the following changes in DSS forms:

1. Addition of a new form designated as DSS Form 81, entitled "Distribution of Service Ratings for Analysis," effective immediately upon the filing hereof with the Division of the Federal Register.
2. Addition of a new form designated as DSS Form 82, entitled "Employee Notification Form," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing additions shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

OCTOBER 28, 1941

[F. R. Doc. 41-8148; Filed, October 29, 1941; 11:41 a. m.]

¹ 5 F.R. 3785.

² Filed with the original document.

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 929—MATERIAL FOR THE PRODUCTION OF CRANES AND HOISTING EQUIPMENT

Preference Rating Order No. P-5-b

§ 929.4 *Preference rating order No. P-5-b.* For the purpose of facilitating the acquisition of Material for the production of Cranes and Hoisting Equipment as defined herein, a preference rating is hereby assigned to deliveries to the above-named Producer and to deliveries to his Suppliers upon the following terms:

(a) *Definitions.* (1) "Producer" means the specific person to whom this Order is addressed above.

(2) "Cranes and Hoisting Equipment" mean, for the purpose of this specific Order, those items specified immediately following the designation of the preference rating, above; provided that such Cranes or Hoisting Equipment are required to fill Defense Orders placed with the Producer.

(3) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(a) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(b) The government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies, and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia.

(ii) Any contract or order placed by any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(iii) Any other contract or order to which the Director of Priorities assigns a preference rating of A-10 or higher.

(iv) Any contract or order for material or equipment required by the person placing the same to fulfill his contracts or orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or orders included under (i), (ii) or (iii) above.

(4) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(5) "Supplier" means any person with whom a contract or purchase order has been placed by a Producer or by another Supplier, for delivery of any Material listed on Exhibit A hereto attached.

(b) *Assignment of preference rating.* The Preference Rating designated above is hereby assigned:

(1) To deliveries to a Producer of any Material listed on Exhibit A hereto attached which enters into his production of Cranes and Hoisting Equipment;

(2) To deliveries to a Supplier of any Material listed on Exhibit A hereto attached provided such Material

(i) Is to be delivered to a Producer or another Supplier under a preference rating assigned pursuant to this order, or

(ii) Is to be physically incorporated into other Material listed on Exhibit A, to be so delivered.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned may be applied by:

(i) The Producer;

(ii) Any Supplier who has been furnished with a copy of this Order pursuant to paragraph (d) provided that he may apply such preference rating only to those deliveries of Material specified in paragraph (b) (2).

(d) *Application of preference rating.* The Producer, or any Supplier who has been furnished with a signed copy of this Order and who is entitled to apply the preference rating in accordance with paragraph (c), in order to apply the preference rating to deliveries to him must:

(i) Execute a copy of this Order by signing the acceptance at the end hereof, and file such acceptance with the Division of Priorities of the Office of Production Management; and

(ii) Furnish one additional copy of this Order, unsigned by him, to each of his Suppliers with whom he has placed a contract or purchase order for Material listed on Exhibit A hereto attached, to the delivery of which he elects to apply the preference rating. After he has furnished one such copy to a particular Supplier, he need furnish no additional copy to that Supplier to cover any subsequent deliveries of Material entitled to be rated. The Producer or Supplier who has applied the rating shall identify subsequent purchase orders which are covered by the rating by specifying thereon the number and serial number of this Order and the preference rating hereby assigned.

(e) *Restrictions on application of rating.* The Preference Rating hereby assigned shall not be applied:

(1) To obtain any Material not listed on Exhibit A;

(2) Unless the Material to be delivered cannot be secured when required without such rating;

(3) To obtain deliveries greater in quantity or on dates earlier than re-

quired for delivery on schedule of Cranes and Hoisting Equipment;

(4) To obtain Material listed on Exhibit A which can be eliminated by substitution of other more available Material;

(5) By a Producer to obtain Material listed on Exhibit A in excess of the amount needed for the production of Cranes and Hoisting Equipment, as defined herein, required to fill Defense Orders placed with the Producer, taking into consideration existing inventories of the Producer. If a Producer has sufficient Material to produce Cranes and Hoisting Equipment for Defense Orders placed with him and will still have a practicable minimum working inventory, he shall not make use of the rating to obtain delivery of such Material;

(6) By a Supplier to obtain Material listed on Exhibit A in excess of the amount necessary for him to make rated deliveries, taking into consideration existing inventories of the Supplier. If a Supplier has sufficient Material to enable him to make his rated deliveries and will still have a practicable minimum working inventory, he shall not make use of the rating to obtain deliveries of such Material.

(f) *Records and reports.* The Producer and each Supplier who applies the preference rating assigned by this Order shall:

(1) Keep and preserve for a period of at least 2 years, accurate and complete records and information concerning:

(i) All applications of such preference rating, including the kinds, values, quantities, and delivery dates of Material covered by each such application, together with the name and address of each Supplier to whose deliveries of Material the rating has been applied;

(ii) Inventories and stocks on hand of Material of the kind covered by each application of the rating;

(iii) Contracts and purchase orders on his books, including delivery schedules, for Cranes and Hoisting Equipment, and for Material which appears on Exhibit A attached hereto.

(2) File reports containing such information concerning the matters specified in paragraph (f) (1) and concerning any other pertinent matters, with the Division of Priorities, Office of Production Management, as shall from time to time be required by said Division. Until further order, such information shall be furnished to the Division of Priorities by the Producer and by each such Supplier on Form PD-81 or its alternative PD-81-a, to be filed on or before the 15th day of each month, such report to cover applications of the rating herein assigned during the preceding month.

(3) Submit from time to time to an audit and inspection by representatives of the Division of Priorities concerning the matters specified in paragraph (f) (1).

(g) *False statements.* Any person who wilfully falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited by the Director of Priorities from receiving further deliveries of any material subject to allocation by the Director of Priorities, and the Director of Priorities may also take any other action deemed appropriate, including a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(h) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time as to the Producer or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by such revocation or expiration.

(i) *Effective date.* This Order shall take effect on the 1st day of November, 1941 and unless sooner revoked shall expire on the 1st day of February, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596, as amended September 12, 1941; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.; sec. 9, Pub. No. 783, 76th Cong., 3d Sess.)

Issued this 29th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

EXHIBIT A TO PREFERENCE RATING ORDER No. P-5-b

Motors and other electrical accessories;
Alloy and carbon steels in bars, forgings, castings, plates, sheets, shapes, and tubes;
Ferrous and nonferrous castings;
Machine parts and accessories;
Cutting tools, including cemented carbides;
Abrasives;
Measuring instruments and gages;
Brass, copper, and steel tubing and fittings;
Oil resisting hose;
Hydraulic Bridge brakes;
Gasoline and Diesel engines and accessories;
Paints, lacquers, and finishing materials;
Maintenance and shop supplies—this item applies to a Producer's requirements only (see paragraph (a) (1) and is restricted to Materials necessary for proper operation and maintenance of a Producer's manufacturing equipment and facilities.

FOUNDRY SUPPLIES CONSISTING OF

Steel rail and other steel scrap, silvery pig iron, regular pig iron, coke, ferro-silicon, ferro-manganese, vanadium, nickel, molybdenum, and chromium.

Acceptance of Preference Rating Order No. P-5-b

TITLE 32—NATIONAL DEFENSE

PART 929—MATERIAL FOR THE PRODUCTION OF CRANES AND HOISTING EQUIPMENT

Preference Rating Order No. P-5-b

To: Name of Producer:

Address:

Serial No.:

Preference Rating Assigned:

For the Production of:

To Be Signed by an Authorized Official of the Producer or Supplier Before Applying the Rating Assigned by Preference Rating Order P-5-b.

The Producer or Supplier named below hereby accepts Preference Rating Order No. P-5-b and certifies to the Director of Priorities of the Office of Production Management that he is entitled to apply the preference rating assigned by such Order in accordance with its terms.

Dated this _____ day of _____, 1941.

(Legal name of Producer or Supplier)

Address _____

By: _____
(Name and title of authorized individual)

I received this order from _____,
located at _____

(Section 35A of the Criminal Code, 18 U.S.C. 80, makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.)

The Producer may obtain additional copies of this Order from the Division of Priorities, Office of Production Management, Washington, D. C. Suppliers may not obtain copies from the Division of Priorities but should procure them from the Producer.

[F. R. Doc. 41-8151; Filed, October 29, 1941;
11:50 a. m.]

SUBCHAPTER B—PRIORITIES DIVISION

PART 963—SILK

Amendment to General Preference Order No. M-22 as Amended October 16, 1941 to Conserve the Supply and Direct the Distribution of Silk

General Preference Order M-22, as amended October 16, 1941,¹ is hereby further amended by adding thereto the following paragraphs (h) and (i):

§ 963.1 General preference order No. M-22.

(h) Each person having title to raw silk in unbroken bales shall, on or before the close of business on the second day after the effective date of this Amendment, report to the Textile Section, Division of Purchases, Office of Production Management, New Social Security Building, Washington, D. C., by a written statement showing as to each such bale,

¹ 6 F.R. 5290.

the bale number, the weight in pounds, origin, denier, size, color, chop mark, location, the number of the warehouse receipt, if any, whether such receipt is negotiable or not, and the office address and name of the person having custody of each such receipt. Failure to make such a report on the part of any person shall be deemed a representation to the Government, subject to the penalties of Section 35 (a) of the United States Criminal Code, that such person does not have title to any raw silk in unbroken bales.

(i) This Amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; P.D. Reg. 2, Sept. 9, 1941, 6 F.R. 4684; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Cong., 3d Sess., as amended by Public No. 89, 77th Cong., 1st Sess.; sec. 9, Public No. 783, 76th Cong., 3d Sess.)

Issued this 28th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8114; Filed, October 28, 1941;
2:40 p. m.]

PART 992—LAUNDRY EQUIPMENT

Limitation Order L-6 to Restrict the Production of Domestic Laundry Equipment

Whereas, the demands of national defense have created a shortage of iron and steel used in the manufacture of domestic laundry equipment; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of domestic laundry equipment is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 992.1 General limitation order L-6—
(a) Definitions. For the purposes of this order:

(1) "Domestic Laundry Equipment" means washing machines and ironing machines for home use.

(2) "Factory sales" means sales of Domestic Laundry Equipment from factory or branches to distributors, dealers or consumers.

(3) "Class 'A' manufacturers" means those manufacturers of domestic laundry equipment the monthly average of whose Factory Sales of units of Domestic Laundry Equipment for the twelve months ending June 30, 1941, including both domestic sales and exports, was 12,000 such units or more.

(4) "Class 'B' manufacturers" means those manufacturers of domestic laundry equipment the monthly average of whose Factory Sales of units of Domestic Laundry Equipment for the twelve months ending June 30, 1941, including both domestic sales and exports, was greater than 5,000 such units but less than 12,000 such units.

(5) "Class 'C' manufacturers" means those manufacturers of Domestic Laundry Equipment the monthly average of whose Factory Sales of units of Domestic Laundry Equipment for the twelve months ending June 30, 1941, including both domestic sales and exports, was greater than 1,200 such units but less than 5,000 such units.

(6) "Class 'D' manufacturers" means those manufacturers of Domestic Laundry Equipment the monthly average of whose Factory Sales of units of Domestic Laundry Equipment for the twelve months ending June 30, 1941, including both domestic sales and exports, was 1,200 such units or less.

(b) General restriction. (1) During the five months period from August 1 to December 31, 1941, inclusive,

(i) No Class "A" manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(a) 50,400 units of such equipment, or

(b) Five times 80% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(ii) No Class "B" manufacturer shall produce more domestic laundry equipment than the greater of the following two limits;

(a) 22,000 units of such equipment, or

(b) Five times 84% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(iii) No Class "C" manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(a) 6,000 units of such equipment, or

(b) Five times 88% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(iv) No Class "D" manufacturer shall produce more domestic laundry equipment than five times 100% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(c) Avoidance of excessive inventories. Manufacturers of domestic laundry equipment shall not accumulate inventories of raw materials, semi-processed materials, finished parts, or assembled laundry equipment in quantities in excess of practicable minimum working inventories.

(d) Records. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) Audit and inspection. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) Reports. Each Manufacturer to whom this order applies shall file with the Electrical Appliances and Consumers' Durable Goods Branch of the Division of Civilian Supply of the Office of Production Management such reports and questionnaires at said Office shall from time to time specify. Such reports, when forms are made available by the Office of Production Management, shall be filed on the fifteenth day of each month, and shall cover the month of September, 1941, and all succeeding months.

(g) Provision for companies under common ownership. For the purposes of this order, a manufacturer's classification into Class "A", "B", "C" or "D" shall depend upon the monthly average of Factory Sales by that manufacturer, including in the total of such sales all Factory Sales made by subsidiaries, affiliates, or by other companies or enterprises under common ownership or control.

(h) Violations or false statements. Any person who violates this order, or who wilfully falsifies any records which he is required to keep by the terms of this order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(i) Effective date. This order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 29th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8153; Filed, October 29, 1941;
11:51 a. m.]

PART 993—DOMESTIC ICE REFRIGERATORS
*Limitation Order L-7 To Restrict the
 Production of Domestic Ice Refrigerators*

Whereas the demands of national defense have created a shortage of iron and steel used in the manufacture of domestic ice refrigerators; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of domestic ice refrigerators is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 993.1 *General limitation order, L-7—(a) Definitions.* For the purposes of this Order:

(1) "Domestic Ice Refrigerators" means non-mechanical ice chests and ice boxes for home use;

(2) "Steel Used" means the aggregate weight of steel contained in the finished products manufactured;

(b) *General restriction.* (1) During the four months period from September 1 to December 31, 1941, inclusive, no manufacturer of domestic ice refrigerators shall use more than four times 65% of the monthly average of steel used by him during the twelve months ending June 30, 1941.

(2) The restriction provided for by the preceding paragraph shall apply to use of steel from the manufacturer's own inventories of raw and semi-processed metal, as well as to use of steel from all other sources.

(c) *Avoidance of excessive inventories.* Manufacturers of domestic ice refrigerators shall not accumulate inventories of raw materials, semi-processed materials, finished parts, or assembled refrigerators in quantities in excess of practicable minimum working inventories.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* Each manufacturer to whom this order applies shall file with the Electrical Appliances and Consumers' Durable Goods Branch of the Division of Civilian Supply of the Office of Production Management, such reports and questionnaires as said Office shall from time to time specify. Such reports, when forms are made available by the Office of Production Management, shall

be filed on the 15th day of each month, and shall cover the month of September and all succeeding months.

(g) *Violations or false statements.* Any person who violates this order, or who wilfully falsifies any records which he is required to keep by the terms of this order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(h) *Effective date.* This order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 28th day of October 1941.

DONALD M. NELSON,
 Director of Priorities.

[F. R. Doc. 41-8115; Filed, October 28, 1941;
 2:40 p. m.]

PART 1013—CHLORINATED RUBBER
*General Preference Order No. M-46
 To Conserve the Supply and Direct
 the Distribution of Chlorinated Rubber*

Whereas the national defense requirements have created a shortage of Chlorinated Rubber for defense, for private account and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1013.1 *General preference order No. M-46—(a) Definitions.* For the purposes of this Order:

(1) "Chlorinated Rubber" means the reaction product of chlorine and crude rubber containing 55% to 75% of chlorine by weight, and includes the products known by the trade names of Parlon and Raolin.

(2) "Producer" means any person engaged in the production of Chlorinated Rubber, and includes any person who has Chlorinated Rubber produced for him

pursuant to toll agreement, or who has purchased or purchases Chlorinated Rubber for purposes of resale.

(b) *Priorities division regulation No. 1.* Control of the supply and direction of the distribution of Chlorinated Rubber is hereby taken by the Director of Priorities and all future transactions of any kind in Chlorinated Rubber are regulated and covered by the provisions and definitions contained in Priorities Division Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), except as otherwise specifically provided herein.

(c) *Restrictions on deliveries.* No Producer shall, on or after the effective date of this Order, make deliveries of any Chlorinated Rubber except as specifically directed by the Director of Priorities. At the beginning of each calendar month the Director of Priorities will issue to all Producers specific directions covering deliveries of Chlorinated Rubber which may be made by such Producers during such month.

(d) *Records and reports.* In addition to the records and reports required by Priorities Division Regulation No. 1, hereinabove referred to, any person who receives or orders Chlorinated Rubber from a Producer at any time after the effective date of this Order shall furnish to the Priorities Division, Office of Production Management, attention Chemicals Section, Washington, D. C., information with respect to his requirements and use of such material at such times and on such forms as the Chemicals Section of the Office of Production Management shall prescribe, together with any other information which said Chemicals Section may deem necessary for the orderly and effective operation of this Order.

(e) *Revocation of previous directions.* This Order supersedes and revokes all previous orders, directions, and instructions heretofore issued by the Director of Priorities applicable to Chlorinated Rubber, to the extent that they may be inconsistent herewith: *Provided, however,* That nothing herein contained shall in any way affect or modify the Order with respect to deliveries of Chlorinated Rubber heretofore on the 13th day of October 1941, issued by the Director of Priorities to Hercules Powder Company, Inc.

(f) *Effective date.* This Order shall take effect on the 1st day of November, and unless sooner revoked, shall expire on the 31st day of July 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 29th day of October 1941.

DONALD M. NELSON,
 Director of Priorities.

[F. R. Doc. 41-8152; Filed, October 29, 1941;
 11:51 a. m.]

CHAPTER XI—OFFICE OF PRICE
ADMINISTRATION

PART 1347—PAPER AND PAPER PRODUCTS

Amendment of Price Schedule No. 30¹—
Wastepaper Sold East of the Rocky
Mountains

Section 1347.8 is amended by adding the following paragraph (e):

§ 1347.8 Definitions.

(e) "Jobber", commonly known as a wastepaper broker, means any person who sells to consumers commercially sorted and baled wastepaper owned but not packed by such person.

Section 1347.10, Appendix A, is amended to read as follows:

§ 1347.10 Appendix A, maximum
prices for wastepaper sold east of the
Rocky Mountains.¹

Grades	Maximum prices ² per short ton, f. o. b. point of shipment ³
No. 1 Mixed Paper ⁴	\$13.00
Super-Mixed Paper ⁵	14.00
No. 1 Baled News ⁶	15.00
Overissue News ⁷	17.00
Old Corrugated Containers ⁸	16.50
Old Kraft Corrugated Containers ⁹	27.00
New Corrugated Cuttings ¹⁰	18.00
Box Board Cuttings ¹¹	14.50
White Blank News ¹²	33.00
Extra Manillas ¹³	37.00
New Manila Envelope Cuttings ¹⁴	53.00
One Cut New Manila Envelope Cuttings ¹⁵	57.50
No. 1 Hard White Shavings, Unruled ¹⁶	57.50
No. 1 Hard White Shavings, Ruled ¹⁷	50.00
Hard White Envelope Cuttings ¹⁸	62.50
One Cut Hard White Envelope Cuttings ¹⁹	67.50
No. 1 Soft White Shavings ²⁰	50.00
One Cut Soft White Shavings ²¹	57.50
Miscellaneous Soft White Shavings ²²	43.00
No. 1 Fly Leaf Shavings ²³	33.50
No. 2 Fly Leaf Shavings ²⁴	22.50
No. 1 Groundwood Fly Leaf Shavings ²⁵	25.00
No. 2 Mixed Colored Groundwood Shavings ²⁶	18.00
Mixed Colored Shavings ²⁷	15.00
No. 1 Heavy Books and Magazines ²⁸	31.50
Mixed Books ²⁹	20.50
Overissue Magazines ³⁰	33.50
No. 1 Mixed Ledger (Colored Ledger) ³¹	37.50
No. 1 White Ledger ³²	43.50
No. 1 Assorted Kraft (Old Kraft) ³³	35.00
Triple Sorted No. 1 Brown Soft Kraft ³⁴	50.00
Mixed Kraft Envelope and/or Bag Cuttings ³⁵	55.00
Kraft Envelope Cuttings ³⁶	65.00
New 100% Kraft Corrugated Cuttings ³⁷	49.00

When used in these footnote definitions the terms:

"Objectionable papers" include carbon, waxed, paraffined, oil-treated, greased, glazed, parchment, asphalt, tar, wall, friction board, book-covers, cloth bound, heavy cores, tympan, pressboard, used billboard stock, paper-wrapped excelsior, felt furniture pads, paper twine, uncut printers' rolls, and paper strings; and

"Foreign materials" include every non-paper substance that cannot be manufactured into paper, including, but in no way limiting the generality of the above: cellophane, rags, rubbers, strings, vulcanized fibre, metals, and rubbish of all kinds.

¹ East of the Rocky Mountains includes all of the area of the continental United States except the states of California, Oregon, Washington, Idaho, Utah, Nevada, New Mexico, Arizona, Wyoming, and Montana.

² All prices listed represent the maximum prices for the respective grades of wastepaper, the highest qualities of which are defined in the footnotes below. Other qualities of wastepaper of the grades defined must be sold at or below the maximum prices established. The prices established in this Schedule are the maximum prices to be charged or paid, and no differentials or service charges other than those specifically provided in this Appendix are to be added.

³ All prices established by this Schedule shall be for wastepaper loaded on trucks at the point of shipment. The point of shipment is the seller's door from which the wastepaper is to be shipped to the consumer. If the wastepaper is loaded on freight cars an amount not in excess of \$1.00 per ton may be added to the maximum prices established by this Schedule, which additional amount, if any, must be listed as a separate item on the invoice. No such charge may be added where freight cars are loaded at the seller's siding.

⁴ "No. 1 Mixed Paper" shall consist of clean, dry wastepaper free from objectionable papers and foreign materials and packed in large machine compressed bales weighing 650 pounds or more.

⁵ "Super-Mixed Paper" shall consist of No. 1 mixed paper which has been screened and dusted, and is composed of hard, bright stock. The process of screening and dusting shall be performed mechanically by a "tumbler" or similar device. Must be packed in large machine compressed bales weighing 650 pounds or more.

⁶ "No. 1 Baled News" shall consist of clean, dry, sorted and repacked newspapers free from foreign materials, objectionable and mixed papers and packed in large machine compressed bales weighing 650 pounds or more.

⁷ "Overissue News" shall consist of all-white, large size, over-run newspapers from a newspaper office (not over 60 days old) and may be packed in securely tied bundles, small or large bales.

⁸ "Old Corrugated Containers" shall consist of used corrugated or solid fibre containers free from foreign materials, mixed and objectionable papers and packed in large machine compressed bales weighing 650 pounds or more.

⁹ "Old Kraft Corrugated Containers" shall consist of used containers of 90% to 100% kraft content, clean and dry, free from foreign materials, objectionable and mixed paper and packed in large machine compressed bales weighing 650 pounds or more. If kraft content is less than 90%, the packing shall be designated "Old Corrugated Containers."

¹⁰ "New Corrugated Cuttings" shall consist of new corrugated cuttings of jute and/or kraft from a corrugating plant, or solid fibre or corrugated container converting plant, and shall be free from foreign materials, mixed and objectionable papers. May be packed in small or large bales.

¹¹ "Boxboard Cuttings" shall consist of clean, dry cuttings from paperboard converting plants or other users of paperboard, free from objectionable and mixed papers and foreign materials, packed in large machine compressed bales weighing 650 pounds or more.

¹² "White Blank News" shall consist of clean, dry, and white news cuttings or sheets, free from mixed and objectionable papers and foreign materials, and packed in large machine compressed bales weighing 650 pounds or more.

¹³ "Extra Manillas" shall consist of clean, dry, unprinted manila paper of uniform natural manila color, free from yellow news blanks, paper towels, canary colored blanks, goldenrod and bogus stock, as well as mixed and objectionable papers and foreign materials, and packed in large machine compressed bales weighing 650 pounds or more.

¹⁴ "New Manila Envelope Cuttings" shall consist of clean, dry new manila cuttings or sheets, of miscellaneous shades, from envelope

factory free from printed stock of any kind, mixed or objectionable papers and foreign materials, and may be packed in small or large bales.

¹⁵ "One Cut New Manila Envelope Cuttings" shall consist of one cut, one shade, clean, dry, new manila cuttings or sheets from envelope factories, containing not more than 10% groundwood and free from printed stock of any kind, mixed or objectionable papers and foreign materials. May be packed in small or large bales.

¹⁶ "No. 1 Hard White Shavings, Unruled" shall consist of clean, dry, unruled bond or writing paper shavings, free from colors and tints, parchment and groundwood, and from mixed or objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

¹⁷ "No. 1 Hard White Shavings, Ruled" shall consist of clean, dry, ruled and unruled, bond or writing paper shavings, free from colors and tints, parchment and groundwood, and from mixed or objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

¹⁸ "Hard White Envelope Cuttings" shall consist of clean, dry, bond or writing paper shavings of miscellaneous shades free from all colors and tints, parchment and groundwood and from mixed or objectionable papers and foreign materials. May be packed in small or large bales or in securely tied packages.

¹⁹ "One Cut Hard White Envelope Cuttings" shall consist of one cut, one shade, clean, dry bond or writing paper shavings containing sulphite or rag, or a mixture of both, and free from all colors and tints, parchment and groundwood and from mixed or objectionable papers and foreign materials. May be packed in small or large bales or in securely tied packages.

²⁰ "No. 1 Soft White Shavings" shall consist of clean, dry, unprinted, all-white bookpaper shavings, free from all colors and tints, parchment, and groundwood as well as mixed and objectionable papers, and foreign materials, and containing not more than 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more.

²¹ "One Cut Soft White Shavings" shall consist of one cut, one shade, clean, dry, unprinted, all-white bookpaper shavings, free from all colors and tints, parchment, and groundwood as well as mixed and objectionable papers, and foreign materials, and containing not more than 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more.

²² "Miscellaneous Soft White Shavings" shall consist of clean, dry, unprinted, all-white bookpaper shavings of various shades free from all colors and tints, parchment, and groundwood as well as mixed and objectionable papers, and foreign materials, and containing in excess of 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more.

²³ "No. 1 Fly Leaf Shavings" shall consist of magazine and/or catalog trim and shall contain the bleed of the cover and insert stock, but shall be free from all solid color stock, groundwood stock and objectionable papers and foreign material. May be packed in small or large bales.

²⁴ "No. 2 Fly Leaf Shavings" shall consist of magazine and catalog trim and may contain cover and insert stock which may consist of solid color and other color stock but shall be free from groundwood stock and objectionable papers and foreign materials. May be packed in small or large bales.

²⁵ "No. 1 Groundwood Fly Leaf Shavings" shall consist of telephone, book and magazine trim, free of all bleed and coated stock, consisting of all white paper except colored cover stock. This grade shall be free from objectionable papers and foreign materials and may be packed in small or large bales.

²⁶ "No. 2 Mixed Colored Groundwood Shavings" shall consist of a mixture of white and

¹ 6 F.R. 4822.

colored trim, including bleed and printed stock throughout, but free from rotogravure stock, and all objectionable papers and foreign materials. May be packed in small or large bales.

²⁷ "Mixed Colored Shavings" shall consist of a mixture of white and colored trim, including bleed, printed and rotogravure stock, and shall be free from all objectionable papers and foreign materials. May be packed in small or large bales.

²⁸ "No. 1 Heavy Books and Magazines" shall consist of dry, clean books and magazines containing not over 2 per cent groundwood papers and 2 percent packing outthrow (including outside wrappers, wrapping wires and twine), entirely free from shavings and crumpled stock, heavily-inked, deeply colored, gilt, aluminum and varnished cover stock, lithographed, parchment, groundwood, rotogravure and cover papers, as well as mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

²⁹ "Mixed Books" shall consist of dry, clean books and magazines containing not over 25 per cent total outthrow, including kraft, groundwood and outside packing, and shall be free from mixed and objectionable papers and foreign materials. May be packed in small or large bales.

³⁰ "Overissue Magazines" shall consist of clean, dry, fresh, overrun and misprint, unsold magazines and books. May be packed in small or large bales or securely tied packages.

³¹ "No. 1 Mixed Ledger (Colored Ledger)" shall consist of white and light-colored ledger and writing waste containing not more than 2 percent groundwood papers and 2 percent packing outthrow, free from mixed and objectionable papers, and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

³² "No. 1 White Ledger" shall consist of white ledger and writing waste containing not more than 2 percent groundwood papers and 2 percent packing outthrow free from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

³³ "No. 1 Assorted Kraft (Old Kraft)" shall consist of brown kraft waste free from corrugated waste of any kind, mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

³⁴ "Triple Sorted No. 1 Brown Soft Kraft" shall consist of old soft brown sulphate kraft paper guaranteed 100% free from wax, tar, kraft corrugated boards, and all imitation or bogus sheets, and shall be clean, dry and free from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

³⁵ "Mixed Kraft Envelope and/or Bag Cuttings" shall consist of mixed 100% Northern and/or Southern Kraft Cuttings from strictly new envelope and/or paper bag stock, and must be free of fibre papers, screening pulp and colored paper of any kind, objectionable and mixed papers and foreign materials. May be packed in small or large bales.

³⁶ "Kraft Envelope Cuttings" shall consist of 100% Northern Kraft Cuttings from strictly new envelope paper stock and shall be free from objectionable and mixed papers and foreign materials. May be packed in small or large bales.

³⁷ "New 100% Kraft Corrugated Cuttings" shall consist of cuttings, trimmings or shavings from new 100% kraft corrugated stock, and must be free of fibre papers, screening pulp, and colored paper of any kind, objectionable and mixed papers, and foreign materials. Must be packed in small or large bales.

Jobber's Allowance

(a) In the event that a consumer of wastepaper shall purchase wastepaper through a jobber, as defined in § 1347.8 (e), such consumer may pay such jobber

not more than the maximum price herein plus a jobber's allowance not to exceed the lesser of the following amounts:

(1) The regular allowance customarily charged, or

(2) An amount not exceeding the following percentages per ton of the amount actually paid to the jobber, exclusive of the jobber's allowance and differential for loading cars for the particular wastepaper purchased:

Price for grade of waste-paper purchased:	Jobber's allowance in percentage ¹
\$13.00 to \$20.00-----	4
\$20.01 to \$30.00-----	5
\$30.01 to \$40.00-----	5½
\$40.01 to \$50.00-----	7
\$50.01 to \$60.00-----	8
\$60.01 to \$70.00-----	9

¹ Where customary allowance is not less than provided in (2) above.

(b) A jobber's allowance shall be payable only if the transaction in which it is to be paid fulfills all of the following requirements:

(1) The complete transaction is recorded as provided in § 1347.4;

(2) The jobber guarantees the quality and delivery of an agreed tonnage of wastepaper, and such guarantee is made a part of the billing and of the record referred to above;

(3) The jobber's allowance is shown as a separate item in the billing and in the record referred to above;

(4) The wastepaper purchased is invoiced to the consumer at a price (excluding the jobber's allowance) no higher than that provided by this Schedule;

(5) The jobber's allowance is not split or divided with any other jobber, broker, dealer, consumer or producer;

(6) The wastepaper was commercially baled and sorted, but this process was not performed by the jobber; and

(7) The wastepaper was owned by the jobber prior to its transfer to the consumer.

These amendments shall become effective on October 29, 1941. (Executive Order No. 8734, 8875; 6 F.R. 1917, 4483)

Issued this 29th day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8124; Filed, October 29, 1941; 10:19 a. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 6, as Amended]

CIVILIAN ALLOCATION PROGRAM FOR MOTOR FUEL IN THE ATLANTIC COAST AREA

REVOCATION

Whereas Recommendation No. 6 of the Petroleum Coordinator for National Defense was issued under date of August 18, 1941, to implement the Civilian Allocation Program for motor fuel in the Atlantic Coast area, issued by the Office of Price Administration and Civilian Supply on August 15, 1941, and

Whereas said Recommendation was amended under date of August 21, 1941, further to implement the said Civilian Allocation Program, and

Whereas the said Civilian Allocation Program is superseded by Limitation Order L-8¹ of the Office of Production Management, issued under date of September 30, 1941.

Now, therefore pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, Recommendation No. 6 of August 18, 1941,² as amended August 21, 1941,³ is hereby revoked, effective immediately.

R. K. DAVIES,
Acting Petroleum Coordinator
for National Defense.

OCTOBER 18, 1941.

[F. R. Doc. 41-8119; Filed, October 29, 1941; 9:50 a. m.]

[Recommendation No. 13]

PART 1503—PRODUCTION

DEVELOPMENT AND OPERATION OF CONDENSATE POOLS

To all State and Federal regulatory bodies or agencies having jurisdiction with respect to the exploration, development, production, conservation, transportation, distribution, purchase, sale, or use of petroleum or petroleum products; and to all owners, operators, or others having any interest, direct or indirect, in any underground pool of oil or gas (or any of the products of such pool) which, in whole or in part, is susceptible of classification as a condensate pool.

It is essential both for national defense and for the continued supply of essential civilian requirements that there be recovered the maximum economic quantity of petroleum and associated hydrocarbons from the oil and gas pools of the United States.

There are being developed in the United States an increasing number of so-called condensate, distillate, naphtha, or retrograde pools, herein referred to as "condensate" pools, where the liquid and gaseous hydrocarbons recovered at the surface occur in a single phase under original reservoir conditions.

There are also being developed many so-called gas-cap pools wherein commercial oil occurs in the liquid phase, but in which there also occur gas caps of considerable size having the essential characteristics of condensate pools, (herein included in the term "condensate" pools).

Carefully controlled development and operation of condensate pools are particularly essential to prevent the irreparable loss of a large proportion of the hydrocarbon content of such pools through the condensation in the underground reservoir of those hydrocarbons existing in the gaseous phase when the

¹ 6 F.R. 5009, 5396.

² 6 F.R. 5015, 5016.

natural pressure in the reservoir is lowered below the dew point of the hydrocarbon mixture in such pool.

The liquid hydrocarbons recovered from such pools possess qualities especially desirable for the production of aviation gasoline and other products now demanded in ever increasing quantities for the defense of the United States.

The national defense policy for the petroleum industry, as defined by the President of the United States in his letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, requires, "the proper development, production, and utilization of those reserves of crude oils and natural gas that are of strategic importance both in quality and location * * * and * * * the most economical use of raw materials, and efficiency of production and distribution; and the elimination of the drilling of unnecessary wells in proven fields and of other unnecessary activities and equipment."

Therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that:

§ 1503.1 *Economic operation and development of condensate pools.* All State and Federal regulatory bodies or agencies having jurisdiction over and all owners, operators, or others having any interest direct or indirect, in any condensate pool or the products thereof, shall:

(a) Direct all operations including but not limited to cycling and pressure maintenance toward obtaining the maximum economic recovery and utilization of the liquid and gaseous hydrocarbons ultimately producible from such pools.

(b) Refrain from removing "lean gas" from such pools for sale as "dry gas" or for processing into distillate and "tail gas" where such removal might have a tendency to reduce the ultimate quantity of liquid hydrocarbons recoverable from such pools.

(c) Conduct all further drilling and development of such pools in such manner as to use minimum quantities of steel and other materials necessary to obtain maximum economic recovery.

(d) Conduct all further production operations in such manner as to utilize most efficiently the limited quantities of materials and equipment that are now available and to utilize most efficiently the natural energy of the reservoir whether it be in the form of compressed natural gas or in the form of a natural water drive.

(e) Submit to the Office of Petroleum Coordinator for National Defense, for its guidance in making recommendations with respect to priorities and the allocation of materials to be supplied both for drilling, construction, producing, and transportation operations in such pools, and for handling the products to be delivered from such pools, detailed plans for

the orderly development and operation of each such pool in the interest of national defense to the end that:

(1) Development shall be conducted on the widest practical uniform spacing pattern and the unitization of individual properties shall be effected to whatever extent may be necessary to render such patterns equitable; and

(2) Rates of production and production practices shall be such as to provide for the most efficient and economical use of all materials, supplies, and equipment employed in development and operation; and

(3) The disposal of the liquid and gaseous hydrocarbons produced from such pools shall be such as to provide for their most effective use as essential materials needed for national defense and essential civilian requirements.*

*§§ 1503.1 and 1503.2 issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1503.2 *Definitions.* For the purpose of § 1503.1, the term "pool" means any underground accumulation of oil, gas, or associated hydrocarbon substances constituting a single and separate reservoir, or source of supply within a field, area, or horizon, whether or not presently discovered and developed, and the terms "lean gas," "dry gas," and "tail gas" are used in the same sense as those terms are generally understood in the petroleum industry.*

R. K. DAVIES,

Acting Petroleum Coordinator
for National Defense.

OCTOBER 8, 1941.

[F. R. Doc. 41-8123; Filed, October 29, 1941;
9:51 a. m.]

[Recommendation No. 11]

PART 1505—TRANSPORTATION

UTILIZATION AND OPERATION OF TANKERS IN DISTRICT 5, PACIFIC COAST

To the Transportation Committee for District No. 5 and to the General Petroleum Corp. of Calif., Richfield Oil Corporation, Standard Oil Company of California, The Texas Company, Tide Water Associated Oil Co., Union Oil Company of California, Hillcone Steamship Company, and any and all others owning, operating, chartering tankers or otherwise utilizing tanker space, barges, pipe lines, or other transport facilities on the Pacific Coast, and the various subsidiary companies of any and all of the aforesaid companies:

The diversion of a part of the American tanker fleet for national defense purposes has resulted in a shortage of petroleum tanker tonnage available for the transportation of petroleum and petroleum products on the Pacific Coast.

* Such shortage will, unless abated, result in a scarcity of petroleum and petro-

leum products in areas of the Pacific Coast States dependent upon tanker transportation for petroleum.

All steps should be taken which will cause the most efficient utilization and operation of available tanker tonnage in order to render such a scarcity less acute and to provide equitable access to markets and supplies as between the larger companies and existing smaller nonintegrated producers, refiners, and marketers of petroleum and petroleum products.

Therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that:

§ 1505.15 *Designation of tanker subcommittee.* A Tanker Subcommittee shall be designated by the Transportation Committee for District No. 5, the membership of which shall be subject to the approval of the Petroleum Coordinator for National Defense, to plan and, after approval of such plan by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, and pursuant to the direction of the Petroleum Coordinator for National Defense, to carry into effect schedules and cargo loading and dispatching arrangements for the most efficient utilization and operation of tankers available for Pacific Coast runs and at the same time provide for equitable access to markets and supplies as between all existing producers, refiners, and marketers of petroleum and petroleum products in District No. 5.*

*§§ 1505.15 to 1505.18 inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1505.16 *Utilization of tankers and other facilities.* All companies owning, operating, chartering tankers or utilizing tanker space, barges, pipe lines, or other transport facilities in District No. 5 and the various subsidiary companies of any and all of such companies, in so far as practicable, shall so utilize available tankers to haul petroleum and petroleum products from the points of supply nearest the markets to be served and in such a manner as to avoid cross-hauling and multiple port loading and discharging, and for these purposes, shall arrange for, and after approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, and pursuant to the direction of the Petroleum Coordinator for National Defense, carry into effect:

(a) The sale, exchange, or loan of petroleum and petroleum products among themselves whenever and to whatever extent may be necessary to facilitate the reduction of the tanker tonnage required to transport the necessary petroleum and petroleum products to the various Pacific Coast points: *Provided, however,* That the rate to be charged for the use of tankers shall not exceed the maximum time charter rates prescribed by the

United States Maritime Commission for charters in which the Commission's concurrence is indicated.

(b) The use of the tanker, pipe line, transport, barge, terminal and storage facilities of all of the aforesaid companies shall be utilized in such a way and without regard to individual ownership thereof as to reduce to an absolute minimum idle time in port and the splitting of cargoes between two or more ports of discharge.*

§ 1505.17 *Meetings.* Meetings of the aforesaid Tanker Subcommittee and of representatives of the aforesaid companies shall be held from time to time for the sole purpose of working out the physical and contractual details and arrangements necessary to carry into effect the foregoing recommendations.*

§ 1505.18 *Coordination with Tanker Control Board.* The aforesaid Tanker Subcommittee and the aforesaid companies shall coordinate their activities under this recommendation with the policies of the Tanker Control Board established by the Petroleum Coordinator for National Defense.*

HAROLD L. ICKES,
Petroleum Coordinator
for National Defense.

SEPTEMBER 17, 1941.

[F. R. Doc. 41-8120; Filed, October 29, 1941;
9:50 a. m.]

[Recommendation No. 12]

PART 1505—TRANSPORTATION

EQUITABLE DISTRIBUTION OF EXCESS TRANSPORTATION COSTS IN DISTRICT 1, ATLANTIC COAST

To the Transportation Committee of District No. 1 and to all suppliers of petroleum or petroleum products in said District:

In order to alleviate the shortage of tanker capacity for the transportation of petroleum and petroleum products from Gulf Coast ports to the Atlantic Coast area it is necessary that other and more costly additional means of transportation be employed.

Certain companies supplying petroleum or petroleum products in said area have heretofore on September 4 entered into a commitment with the Office of the Petroleum Coordinator for National Defense to press into service all available railroad tank cars as rapidly as they can be supplied to said companies and moved by the railroads, within the physical limitations as to trackage, storage, and unloading and other facilities.

Under said commitment said companies have agreed to share equitably the increased costs of transportation of petroleum or petroleum products by railroad tank car over transportation by tanker under the Maritime Commission charter rate ceilings, pursuant to a plan to be developed by the Transportation Committee of District No. 1.

It is essential to the fullest and most efficient immediate use of railroad tank car transportation that such a plan be promulgated.

Therefore pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that:

§ 1505.19 *Plan for distribution of excess costs.* The Transportation Committee for District No. 1 shall obtain and analyze all pertinent and available facts, figures, and other data, and shall prepare therefrom a plan for submission to the Chief Counsel of the Office of the Petroleum Coordinator for National Defense, for the equitable distribution, among all suppliers of petroleum or petroleum products in said District, of the excess cost of transportation of petroleum and petroleum products to the said Atlantic Coast area by railroad tank car over transportation by tanker under the Maritime Commission charter rate ceilings.*

*§§ 1505.19 to 1505.21, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1505.20 *Approval and execution of plan.* Upon the approval by the Chief Counsel of the Office of the Petroleum Coordinator for National Defense of a plan prepared pursuant to the preceding section, and pursuant to the direction of the Petroleum Coordinator for National Defense, the Transportation Committee for District No. 1 and all suppliers of petroleum or petroleum products in said District shall carry into effect said plan according to its terms, conditions, and intent.*

§ 1505.21 *Meetings.* Meetings of the Transportation Committee for District No. 1 and of representatives of the aforesaid suppliers shall be held from time to time for the sole purpose of preparing the aforesaid plan and, after its approval by the Chief Counsel of the Office of the Petroleum Coordinator for National Defense, of carrying into effect such plan in accordance with the foregoing provisions of this recommendation.*

HAROLD L. ICKES,
Petroleum Coordinator
for National Defense.

SEPTEMBER 30, 1941.

[F. R. Doc. 41-8121; Filed, October 29, 1941;
9:51 a. m.]

[Recommendation No. 12, Amendment]

PART 1505—TRANSPORTATION

Pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, § 1505.19 (Recommendation No. 12, dated September 30, 1941) is hereby amended to read as follows:

§ 1505.19 *Plan for distribution of excess costs.* The Transportation Committee for District No. 1 shall obtain and

analyze all pertinent and available facts, figures, and other data, and shall prepare therefrom a plan for submission to the Chief Counsel of the Office of Petroleum Coordinator for National Defense, for the equitable distribution, among all suppliers of petroleum or petroleum products in said District, of the excess cost of transportation of petroleum and petroleum products to the said Atlantic Coast area by railroad tank car or other alternative means of transportation, or any combinations thereof, over transportation by tanker under the Maritime Commission charter rate ceilings. (President's letter to the Secretary of the Interior, May 28, 1941, 6 F.R. 2760).

R. K. DAVIES,
Acting Petroleum Coordinator
for National Defense.

OCTOBER 18, 1941.

[F. R. Doc. 41-8122; Filed, October 29, 1941;
9:51 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-72]

IN THE MATTER OF THE B & B COAL COMPANY, A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION No. 0339, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act") to determine:

(a) Whether or not the respondent in the above-entitled matter, The B & B Coal Company, a corporation, Registered Distributor, Registration No. 0339, whose address is 1209 Jefferson Building, Peoria, Illinois, has violated any provisions of the Act, the Code, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors and the agreement ("Distributor's Agreement") dated April 19, 1940, executed pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Division on July 1, 1939, or any orders or regulations of the Division; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. During the period commencing January 1, 1941, and ending April 30, 1941, the respondent accepted distributor's discounts in excess of the maximum allowable discounts as set forth in the Order of the Director entered on June 19, 1940

in General Docket No. 12, prescribing due and maximum discounts and establishing rules and regulations for the registration of distributors, upon 2205.05 tons of 6" lump coal and 467.94 tons of 1 1/4" x 6" egg coal purchased by respondent from the Rawalt Coal Company, a corporation having its principal place of business in Canton, Illinois, code member in District No. 10, which coal was produced at the said code member's Rawalt Mine, Mine Index No. 716, located at Norris, Illinois, and was resold by respondent to various retailers located in Peoria, Illinois, and Bloomington, Illinois. Respondent thereby violated paragraph (a) of the Distributor's Agreement.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 8, 1941, in a hearing room of the Bituminous Coal Division at 734 15th Street NW., Washington, D. C.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted such charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters spe-

cifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition of intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 28, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8135; Filed, October 29, 1941;
11:37 a. m.]

[Docket No. B-61]

IN THE MATTER OF C. LEROY HOLBEIN,
DOING BUSINESS AS HOLBEIN COAL CO.,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 29, 1941, by Bituminous Coal Producers Board for District No. 4, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 1, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Zanesville, Ohio.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days

before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That said defendant, whose office is located at 120 North Third Street, Zanesville, Ohio, violated Sections 4 II (e) and (g) of the Act, and Price Instructions 6 as contained in Supplement No. 1 of appendix A-4-T to the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments, by selling during the months of January, February, and March, 1941, crushed mine run coal, produced by said defendant at his Holbein Coal Co. Mine (Mine Index No. 66) located in Perry County, Ohio, in Subdistrict 6 of District No. 4, as follows:

(1) To Ohio Cultivator Company, approximately 350.55 net tons of said coal, and delivering such coal via truck to said purchaser at Bellevue, Ohio, a distance of approximately 143 miles from said defendant's mine, and adding to the effective minimum f. o. b. mine price for such coals \$1.69 per net ton for hauling 75.75 net tons thereof, and \$1.59 per net ton for hauling 274.8 net tons thereof; and

(2) To Old Fork Milling Company, approximately 44.38 net tons of said coal, and delivering such coal via truck to said purchaser at Marion, Ohio, a distance of approximately 100 miles from said defendant's mine, and adding to the effective minimum f. o. b. mine price for such coal \$1.85 per net ton for hauling 32.78 net tons thereof, and \$1.15 per net ton for hauling 11.6 net tons thereof.

Dated: October 28, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8136; Filed, October 29, 1941;
11:37 a. m.]

[Docket No. 1871-FD]

IN THE MATTER OF THE APPLICATION OF THE BESSEMER LIMESTONE & CEMENT CO. FOR A DETERMINATION OF THE STATUS OF THE COAL PRODUCED AT ITS NATIONAL MINE IN COLUMBIANA COUNTY, OHIO, PURSUANT TO THE SECOND PARAGRAPH OF SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING

An application for a determination of the status of the coal produced at the National Mine of The Bessemer Limestone & Cement Co. in Columbiana County, Ohio, having been filed on September 3, 1941, by the above-named applicant, pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 11, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity eligible under section VII (i) of the Rules of Practice and Procedure before the National Bituminous Coal Commission may file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicant or other interested party shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall

also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(3) If the applicant does not appear and offer evidence in support of his statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the application of The Bessemer Limestone & Cement Co. under the second paragraph of section 4-A of the Act for a determination of the status of the coal produced at its National Mine, Columbiana County, Ohio, alleging that the said coal is exempt from section 4 of the Act because it is consumed by applicant, the producer thereof, or transported by applicant to itself for consumption by it within the meaning of section 4 II (1) of the Act.

Dated: October 28, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8137; Filed, October 29, 1941;
11:37 a. m.]

[Docket No. 1867-FD]

IN THE MATTER OF THE APPLICATION OF SHERWOOD-TEMPLETON COAL COMPANY, INC., AND LINTON-SUMMIT COAL COMPANY, INC., FOR A DETERMINATION OF THE STATUS OF THE WASTE SLURRY COAL PRODUCED AT MINE INDEX NOS. 63, 108, AND 112 IN DISTRICT NO. 11

NOTICE OF AND ORDER FOR HEARING

An application for a determination of the status of the waste slurry coal produced at Mine Index No. 63 of the

Linton-Summit Coal Company, Inc., and Mine Index Nos. 108 and 112 of the Sherwood-Templeton Coal Company, Inc., in District No. 11, having been filed on July 25, 1941, by the above-named applicants, pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 5, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicants and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity eligible under section VII (i) of the Rules of Practice and Procedure before the National Bituminous Coal Commission may file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicants or other interested party shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicants within the fifteen-day period, in the absence of extenuating circumstances, the application

shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(3) If the applicants do not appear and offer evidence in support of their statements of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(4) The burden of proof in this proceeding shall be on the applicants.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the application of the Sherwood-Templeton Coal Company, Inc., and Linton-Summit Coal Company, Inc. for a determination of the status of the waste slurry coal produced at Mine Index Nos. 63, 108, and 112 in District No. 11, alleging that the said waste slurry coal is exempt from section 4-A of the Act because it is consumed by the Antioch Power Company, an Indiana corporation, wholly owned by the applicants, the producers of said waste slurry coal, or transported by applicants to themselves for consumption by them within the meaning of section 4 II (1) of the Act.

Dated: October 28, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8139; Filed, October 29, 1941;
11:38 a. m.]

[Docket No. B-6]

IN THE MATTER OF CLYDE H. HOYT COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION No. 4566, RESPONDENT

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division having issued a Notice of and Order for Hearing, dated October 9, 1941, in the above-entitled matter to determine whether or not the Clyde H. Hoyt Company, registered distributor, has violated certain provisions of the Act, Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors and its Agreement as distributor executed April 29, 1939, and to determine whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed, and for said purposes having given notice of information in possession of the Division, and additional information having come into the possession of the Division;

It is ordered, That Paragraph No. 3 of the Notice of and Order for Hearing, dated October 9, 1941, in the above-entitled matter, be and it hereby is amended to read as follows:

3. The respondent during the period referred to in paragraph 2 hereof: (a) owned 66⅔% of the outstanding shares of capital stock of said retailer, (b) had interlocking officers with said retailer, and (c) its officers were also shareholders of said retailer.

It is further ordered, That additional paragraphs, No. 6 and No. 7, be inserted after Paragraph No. 5 in said Notice of and Order for Hearing, to read as follows:

6. The respondent, subsequent to October 1, 1940, secured, accepted, and retained sales commissions on approximately 108 tons of coal sold by respondent as sales agent for various code member producers, to the Blue Line Fuel Company.

7. In accepting and retaining the sales commissions described in Paragraph 6 hereof the respondent violated Rule 10 of Section II of the Marketing Rules and Regulations, inasmuch as a partial or a complete ownership, direct or indirect, or other control existed between said retailer and the respondent; and also violated Section 4 II (1) 11 and Rule 11 of Section XIII of the Marketing Rules and Regulations, inasmuch as respondent in said transactions, directly or indirectly, used its sales agency for making discounts, allowances, or rebates, to said retailer, and also violated Section 4 II (1) 12 of the Act and Rule 12 of Section XIII of the Marketing Rules and Regulations, inasmuch as respondent in said transactions was in fact or in effect an agency or an instrumentality of said retailer.

In violating the Marketing Rules and Regulations as described in this paragraph, the respondent violated Section (e) of the Agreement.

It is further ordered, That except as hereinabove specifically amended, said Notice of and Order for Hearing dated October 9, 1941, shall in all other respects remain in full force and effect.

Dated: October 28, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8140; Filed, October 29, 1941;
11:38 a. m.]

[Docket No. 1836-FD]

IN THE MATTER OF THE APPLICATION OF GULF, MOBILE AND OHIO RAILROAD COMPANY FOR A DETERMINATION OF THE STATUS OF THE COAL PRODUCED AT ITS ILLMO MINE IN RANDOLPH COUNTY, ILLINOIS

NOTICE OF AND ORDER FOR HEARING

An application for a determination of the status of the coal produced at the

Illmo Mine of the Gulf, Mobile and Ohio Railroad Company in Randolph County, Illinois, having been filed on July 23, 1941, by the above-named applicant, pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 8, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity eligible under Section VII (1) of the Rules of Practice and Procedure before the National Bituminous Coal Commission may file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicant or other interested party shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period

in accordance with the provisions of Section VII (g) of the aforesaid Rules of Practice and Procedure;

(3) If the applicant does not appear and offer evidence in support of his statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of Section VII (g) of the aforesaid Rules of Practice and Procedure;

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the application of the Gulf, Mobile and Ohio Railroad Company under the second paragraph of section 4-A of the Act for a determination of the status of the coal produced at its Illmo Mine, Randolph County, Illinois, alleging that the said coal is exempt from section 4 of the Act because it is consumed by applicant, the producer thereof, or transported by it within the meaning of section 4 II (1) of the Act.

Dated: October 28, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8141; Filed, October 29, 1941;
11:38 a. m.]

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (H) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT; AND IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS' BOARD FOR DISTRICT NO. 12 FOR AMENDMENT OF SCHEDULE OF MAXIMUM DISCOUNTS WITH RESPECT TO THE SEVERAL SIZES OF COALS PRODUCED IN DISTRICT NO. 12

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Producers Board for District No. 12 filed a petition praying (1) that the proceedings in General Docket No. 12 be reopened "for the purpose of correcting, clarifying and redefining the maximum discounts to distributors on the various sizes of coal produced in District No. 12, so that when

so corrected and clarified the permissible maximum discounts shall be as follows:

Size Group No. 1—Chunk	25¢
Size Group No. 2—Lump	25¢
Size Group No. 3—Egg or Range	25¢
Size Group No. 4—Small Egg	25¢
Size Group No. 5—Mine Run	12¢
Size Group No. 6—Nut	25¢
Size Group No. 7—Domestic Stoker	25¢
Size Group No. 8—Screenings	12¢
Size Group No. 9—Crushed Industrial Stoker	12¢
Size Group No. 10—Carbon	12¢

(2) "For such other and further relief as by the Director shall be deemed proper in the premises."

It is, therefore, ordered, That a hearing on such matter be held on December 9, 1941, at 10:00 in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before December 3, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

The matter concerned herewith is in regard to the Schedule of "Maximum Discounts That May Be Made to Registered Distributors from Established Minimum Prices on Coal Which They Purchase for Resale and Resell in not less than Cargo or Railroad Carload Lots", for the coals produced in District No. 12, as prescribed on page 4 of the Order of the Director in Docket No. 12, dated June 19, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related

thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: October 28, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8142; Filed, October 29, 1941;
11:38 a. m.]

[Docket No. A-709]

PETITION OF REX COAL LAND COMPANY, A CODE MEMBER IN DISTRICT NO. 7, FOR A REDUCTION IN THE MINIMUM PRICES HERETOFORE ESTABLISHED FOR SHIPMENT BY TRUCK OF COALS PRODUCED AT THE FRANCES MINE, MINE INDEX NO. 592, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The Examiner having, on June 12, 1941, continued the hearing in the above-entitled matter, subject to the further order of the Director; and

District Board No. 7, an Intervener in this proceeding, having moved on September 30, 1941, that this petition be dismissed for want of prosecution; and

It appearing that the original petitioner has failed to prosecute this matter with due diligence;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be, and it hereby is, dismissed, without prejudice.

Dated: October 28, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8143; Filed, October 29, 1941;
11:39 a. m.]

[Docket No. A-1043]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

[Docket No. A-1043 Part II]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE BLUE RIDGE COAL CO. MINE (MINE INDEX NO. 517) FOR ALL SHIPMENTS EXCEPT TRUCK, AND FOR TRUCK SHIPMENTS, TO ALL MARKET AREAS

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1043 PART II FROM DOCKET NO. A-1043, GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1043 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1043, PART II

The original petition in the above-entitled matter filed with this Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary

and permanent price classifications and minimum prices for the coals of certain mines in District No. 14.

As indicated in a separate order issued in Docket No. A-1043, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of permanent price classifications and minimum prices for the coals of the Blue Ridge Co. Mine (Mine Index No. 517).

A petition of intervention was filed in this matter on October 1, 1941, by the Blue Ridge Coal Company, operator of the Blue Ridge Coal Co. Mine, wherein intervenor alleged that the minimum prices proposed by District Board 14 will not afford fair and equal competitive marketing opportunities for the coals of the Blue Ridge Mine and requested that upon a hearing in this matter, the price classifications and minimum prices proposed by intervenor be made applicable to such coals.

The Director is of the opinion that temporary relief for the coals of the Blue Ridge Coal Co. Mine should be granted, as prayed for by petitioner, but that permanent price classifications and minimum prices should not be established for such coals without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1043 relating to the Blue Ridge Coal Co. Mine (Mine Index No. 517, be and the same hereby is severed from the remainder of Docket No. A-1043 and designated as Docket No. A-1043 Part II.

It is further ordered, That a hearing in Docket No. A-1043 Part II under the applicable provisions of said Act and the rules of the Division be held on November 14, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

No. 212—4

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 8, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to

the petition, petitions of intervenors or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the original petition.

The matter concerned herewith is in regard to the petition of District Board No. 14 for the establishment of price classifications and minimum prices for the coals of the Blue Ridge Coal Co. Mine (Mine Index No. 517) for all shipments except truck and for truck shipments to all market areas.

It is further ordered, That temporary relief, pending final disposition of Docket No. A-1043 Part II, is hereby granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 14, For All Shipments Except Truck, and For Truck Shipments, are amended to include the following price classifications and minimum prices for the coals of the Blue Ridge Coal Co. Mine (Mine Index No. 517):

District No. 14 (rail). Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel¹

¹ The following temporary prices are to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in the Schedule of Effective Minimum Prices for District No. 14, For All Shipments Except Truck.

Mine index No.	Code member	Mine name	Prod. group No.	Shipping point	R. R.	Freight origin group No.	Price classification by size group									
							3	6	7	8	11	14	15	16	18	
517	Blue Ridge Coal Company (Earl Cobb).	Blue Ridge Coal Co.	5	Hackett, Ark.	S. L.-S. F.....	18	C	L	L	L	F	B	B	B	O	

District No. 14 (truck shipments)¹

¹ The following temporary prices are to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in the Schedule of Effective Minimum Prices for District No. 14, For Truck Shipments.

[Prices in cents per net ton for shipment into all market areas]

Mine index No.	Code member	Mine name	Production group No.	County	Prices and size group Nos.									
					3	6	7	8	11	14	15	16	18	
517	Blue Ridge Coal Company (Earl Cobb).	Blue Ridge Coal Co...	5	Sebastian, Ark...	385	400	400	400	355	135	115	105	315	

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 28, 1941.

[SEAL]

H. A. GRAY,

Director.

[F. R. Doc. 41-8144; Filed, October 29, 1941; 11:39 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DETERMINATION PURSUANT TO SECTION 608c (9) AND (17), TITLE 7, U.S.C., WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 1 TO ORDER NO. 34, AS AMENDED,¹ REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA²

Claude R. Wickard, Secretary of Agriculture of the United States of America,

¹ 6 F.R. 3768.

² See also Title 7, Chapter IX, *supra*.

pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued, effective August 1, 1941, Order No. 34, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

Paul H. Appleby, Acting Secretary of Agriculture, tentatively approved, on July 14, 1941, a marketing agreement, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area would tend to effectuate the declared policy of said act, notice was given, on August 20, 1941, of a public hearing which was held in Lawrence, Massachusetts, beginning on August 28, 1941, on certain proposals to amend such marketing agreement, as amended, and such order, as amended, and at such time and place all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement, as amended, and such order, as amended.

After such hearing and after the tentative approval on September 27, 1941, of amendments to the marketing agreement, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Lowell-Lawrence, Massachusetts, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Amendment No. 1 to Order No. 34, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Lowell-Lawrence, Massachusetts, marketing area; and

3. The issuance of Amendment No. 1 to Order No. 34, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of May 1941, said month having been determined by the

Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 23d day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

Approved:

FRANKLIN D. ROOSEVELT,
The President of the United States.

Dated: October 24, 1941.

[F. R. Doc. 41-8154; Filed, October 29, 1941;
11:56 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 30, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

Bernstein and Sons Shirt Corporation, 727 Meadow Street, Allentown, Pennsylvania; Boys' Shirts; 10 percent; October 30, 1942.

Biberman Brothers, Inc., S. E. Corner 15th and Mt. Vernon Streets, Philadelphia, Pennsylvania; Dresses; 10 percent; October 30, 1942.

Blue Jay Manufacturing Company, Huntington, West Virginia; Single Pants; 10 percent; October 30, 1942.

Bremen Mills, Bremen, Georgia; Dress Shirts; 10 percent; October 30, 1942.

Capital Pants Company, 1234 Carpenter Street, Philadelphia, Pennsylvania; Work Pants; 10 percent; October 30, 1942. (This certificate replaces one issued bearing expiration date of January 30, 1942.)

H. W. Carter and Sons, Bank Street, Lebanon, New Hampshire; Cotton Work Clothing, Wool and Cotton Utility and Sports Garments; 10 percent; October 30, 1942.

Carwood Manufacturing Company, Winder, Georgia; Work Pants, Work Shirts; 10 percent; October 30, 1942.

Carwood Manufacturing Company, Monroe, Georgia; Overalls, Work Shirts, Denim Coats; 10 percent; October 30, 1942.

Charma Brassiere Company, Inc., 24 West 30th Street, New York, New York; Corsets and Allied Garments; 10 learners; February 12, 1942. (This certificate replaces one issued bearing expiration date of February 2, 1942.)

Colonial Textile Manufacturing Company, 85 Coggeshall Street, New Bedford, Massachusetts; Sleeping Garments; 10 percent; October 30, 1942. (This certificate replaces one issued bearing expiration date of December 2, 1941.)

Delaware Garment Company, 400 French Street, Wilmington, Delaware; Ladies' Blouses; 10 percent; October 30, 1942.

Elder Manufacturing Company, Webb City, Missouri; Boys' Shirts and Blouses; 10 percent; October 30, 1942.

Everite Knitting Mills, Front and Lehman Streets, Lebanon, Pennsylvania; Children's Dresses; 10 percent; October 30, 1942.

Freedman Roedelheim Quaker Shirt Company, Apple Street, Quakertown, Pennsylvania; Shirts; 10 percent; October 30, 1942.

Half Manufacturing Company, 345 E. Commerce Street, San Antonio, Texas; Women's Sportswear, Women's Jackets, Robes, Wool or Mixed Slacksuits; 5 learners; October 30, 1942.

Hart Schaffner and Marx, 36 South Franklin Street, Chicago, Illinois; Men's Clothing; 4 percent; October 30, 1942.

Jacobs Grossman and Rosenberg, Inc., Erie Avenue at K Street, Philadelphia, Pennsylvania; Children's Dresses; 10 percent; October 30, 1942.

Ladilastics, 6 West Twenty-ninth Street, New York, New York; Knitted Girdles; 2 learners; February 12, 1942.

Lassar and Bick Company, Inc., 1143 Santee Street, Los Angeles, California; Men's Slacks; 5 learners; October 30, 1942.

Lebanon Shirt Factory, Union & Liberty Streets, Lebanon, Pennsylvania; Men's Dress Shirts; 10 percent; October 30, 1942.

Liberty Sport Togs, 40 King Street, Mt. Holly, New Jersey; Boys' Wash Suits; 5 learners; October 30, 1942. (This certificate replaces one issued to Herman Fishman and Company, bearing expiration date of October 6, 1942.)

Morgan Manufacturing Company, 234 South Montebello Boulevard, Montebello, California; Slacks, Blouses; 10 learners; October 30, 1942.

Nasher Manufacturing Company, 50 Cushing Street, Stoughton, Massachusetts; Rainwear Manufacturing; 5 learners; October 30, 1942.

Newport Dress Factory, 28 S. Third Street, Newport, Pennsylvania; Children's Wash Dresses; 10 percent; October 30, 1942.

Patterson Manufacturing Company, 428 North Main Street, Miami, Oklahoma; Overalls and Coveralls; 10 percent; October 30, 1942.

Rhea Manufacturing Company, 1983 S. Allis Street, Milwaukee, Wisconsin; Dresses; 129 learners; February 19, 1942.

Royal Garment Company, North Main Street, Ansonia, Ohio; Burial Dresses and Suits; 3 learners; October 30, 1942.

Warrensburg Shirt Company, Inc., 50 River Street, Warrensburg, New York; Shirts; 10 percent; October 30, 1942.

Weiss Shirt Company, 520 Lehman Street, Lebanon, Pennsylvania; Men's Shirts; 10 percent; October 30, 1942.

Gloves

Clark Brothers, 20 Elm Street, Glens Falls, New York; Knit Fabric Gloves; 5 percent; October 30, 1942.

Hosiery

Archer Hosiery Mills, Talbot Avenue, Columbus, Georgia; Full Fashioned Hosiery; 5 percent; October 30, 1942.

Maurice Mills Company, Taylor Street, Thomasville, North Carolina; Seamless Hosiery; 5 percent; October 30, 1942.

Thornton Knitting Company, Denton, North Carolina; Seamless Hosiery; 5 percent; October 30, 1942.

Knitted Wear

Elmira Knitting Mills, Prescott Avenue, Elmira Heights, New York; Knitted Underwear and Outerwear; 5 percent; October 30, 1942.

Textile

Adams Net and Twine Company, 701 N. Second Street, St. Louis, Missouri; Fish Nets and Tennis Nets; 3 learners; October 30, 1942.

American Mills Permoflex Plant, 158 Orange Avenue, West Haven, Connecticut; Narrow Elastic Fabrics; 10 learners; February 2, 1942. (This certificate effective October 27, 1941, and omitted from REGISTER of that date.)

Gates Paper Twine Company, Inc., Hunt's Lane, Chappaqua, New York; 3 learners; Paper Twine, Paper Cable Filling, Paper Rope Markers, etc.; October 30, 1942.

A. D. Juilliard and Company, Inc., Brookford Mills Division, Brookford, North Carolina; 3 percent; Yarn and Thread; October 30, 1942.

Kanmak Mills, Inc., Chestnut Street, Kulpmont, Pennsylvania; Cotton and Rayon Yarns; 3 percent; October 30, 1942.

The Maryland Ribbon Company, 651 North Prospect Street, Hagerstown, Maryland; Ribbons; 3 percent; October 30, 1942.

Spiess Ribbon Mills, North Third Street, Stroudsburg, Pennsylvania; Manufacturing Silk, Rayon, Cotton; 3 learners; October 30, 1942.

Signed at Washington, D. C., this 29th day of October 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-8149; Filed, October 29, 1941;
11:50 a. m.]

NOTICE OF GRANTING OF EXCEPTION PURSUANT TO § 516.18 OF THE RECORD KEEPING REGULATIONS

THE CHICAGO MAIL ORDER COMPANY

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, the Administrator of the Wage and Hour Division has granted The Chicago Mail Order Company, Chicago, Illinois, relief from the necessity of preserving their customer orders or invoices received, outgoing customer shipping or delivery records and bills of lading to customers for two years as required by § 516.15 (b), on condition that they continue to preserve their customers' record cards in accordance with § 516.15 (b).

The authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C. this 28th day of October 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-8150; Filed, October 29, 1941;
11:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6203]

NOTICE RELATIVE TO WDRC,
INCORPORATED (W 65 H)

Application dated April 12, 1941, for modification of C. P.; class of service, high

* 6 P. R. 4700.

frequency broadcast; class of station, high frequency broadcast; location, Hartford, Connecticut; operating assignment specified: frequency, 43,500 kilocycles; coverage, 13,944 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of General Electric Company, Docket No. 6204, and The Radio Voice of New Hampshire, Inc., Docket No. 6205, for the following reasons:

1. To determine the applicant's qualifications to construct and operate the proposed high frequency broadcast station.

2. To determine the type and character of the proposed program service.

3. To determine whether the granting of this application would be consistent with the Commission's Rules and Regulations, particularly § 3.223 (c) or (d) thereof.

4. To determine the extent and effect of any interference which would result from simultaneous operation of the proposed station and a station proposed by Columbia Broadcasting System, Inc. in Docket No. 6024, as well as the areas and populations affected thereby.

5. To determine the extent and effect of any interference which would result from simultaneous operation of the station proposed herein, and stations proposed in Docket Nos. 6205 and 6204, as well as the areas and populations affected thereby.

6. To determine whether the granting of this application and the applications of The Radio Voice of New Hampshire, Inc., Docket No. 6205, the General Electric Company, Docket No. 6204, or any of them, would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

WDRC, Incorporated, % Franklin M. Doolittle, 750 Main St., Hartford, Connecticut.

Dated at Washington, D. C., October 27, 1941.

By the Commission.

[SEAL]

WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8132; Filed, October 29, 1941;
11:32 a. m.]

[Docket No. 6204]

NOTICE RELATIVE TO GENERAL ELECTRIC COMPANY (W 57 A)

Application dated April 23, 1941, for modification of C. P.; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Schenectady, New York, operating assignment specified: Frequency, 43,500 kilocycles; coverage, 15,200 (by F. C. C. formulas) 8,945 sq. mi. (by G. E. measurements); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of WDRC, Incorporated, Docket No. 6203, and The Radio Voice of New Hampshire, Inc., Docket No. 6205, for the following reasons:

1. To determine the applicant's qualifications to construct and operate the proposed high frequency broadcast station.
2. To determine the type and character of the proposed program service.
3. To determine whether the granting of this application would be consistent with the Commission's Rules and Regulations, particularly § 3.223 (c) or (d) thereof.
4. To determine the extent and effect of any interference which would result from simultaneous operation of the proposed station and a station proposed by Columbia Broadcasting System, Inc., in Docket No. 6024, as well as the areas and populations affected thereby.
5. To determine the extent and effect of any interference which would result from simultaneous operation of the station proposed herein, and stations proposed in Dockets Nos. 6203 and 6205 as well as the areas and populations affected thereby.
6. To determine whether the granting of this application and the applications of WDRC, Inc., Docket No. 6203, The Radio Voice of New Hampshire, Inc., Docket No. 6205, or any of them would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

General Electric Company, 1 River Road, Schenectady, New York.

Dated at Washington, D. C., October 27, 1941.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8133; Filed, October 29, 1941; 11:32 a. m.]

[Docket No. 6205]

NOTICE RELATIVE TO THE RADIO VOICE OF NEW HAMPSHIRE, INC. (NEW)

Application dated March 24, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Manchester, New Hampshire; operating assignment specified: Frequency, 43,500 kilocycles; coverage, 20,290 sq. miles; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of WDRC, Incorporated, Docket No. 6203, and General Electric Company, Docket No. 6204, for the following reasons:

1. To determine the applicant's qualifications to construct and operate the proposed high frequency broadcast station.
2. To determine the type and character of the proposed program service.
3. To determine whether the granting of this application would be consistent with the Commission's Rules and Regulations, particularly § 3.223 (c) or (d) thereof.
4. To determine the extent and effect of any interference which would result from simultaneous operation of the station proposed herein, and a station proposed by Columbia Broadcasting System, Inc., in Docket No. 6024 as well as the areas and population affected thereby.
5. To determine the extent and effect of any interference which would result from the simultaneous operation of the station proposed herein, and stations proposed in Dockets Nos. 6203 and 6204 as well as the areas and populations affected thereby.
6. To determine whether the granting of this application, and the applications of WDRC, Incorporated, Docket No. 6203, the General Electric Company, Docket No. 6204, or any of them would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The Radio Voice of New Hampshire, Inc., % Leslie F. Smith, 1819 Elm Street, Manchester, New Hampshire.

Dated at Washington, D. C., October 27, 1941.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8134; Filed, October 29, 1941; 11:32 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5741]

IN THE MATTER OF MONTANA-DAKOTA UTILITIES CO.

APPLICATION FILED

OCTOBER 28, 1941.

Notice is hereby given that on October 27, 1941, an application was filed with the Federal Power Commission, pursuant to the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and carrying on electric and gas utilities business in the States of Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the merger or consolidation of its facilities with that part of the facilities of Mountain States Power Company, a corporation organized under the laws of the State of Delaware, with its principal business office at Albany, Oregon, located exclusively within Custer and Rosebud Counties in the State of Montana, for a consideration stated in the application to be \$160,000.00, and for the authority to issue \$160,000.00 of unsecured Purchase Money Notes bearing interest at the rate of 2½% per annum, payable in three equal installments on or before April 1, 1943, January 1, 1944, and October 1, 1944, respectively; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 12th day of November 1941, file with the Federal Power Commission a petition or

protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41-8130; Filed, October 29, 1941;
11:10 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-416]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1941.

The above-named person having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and particularly section 7 thereof, with respect to the issue and sale of a Promissory Note in the principal amount of \$390,000 to The Continental Bank & Trust Company of New York, said note being payable in instalments every six months to maturity in four years and bearing interest at the rate of 2½% per annum for the first six months and at the rate of 3½% per annum thereafter to maturity, and the proceeds of which are to be used to retire outstanding Assignments and Agreements of Community Power and Light Company; and

Said declaration having been filed on October 18, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named person having requested that said declaration become effective on or about October 25, 1941; and

The Commission finding with respect to said declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and being satisfied that the effective date of such declaration should be advanced;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8145; Filed, October 29, 1941;
11:40 a. m.]

[File No. 70-282]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY, GENERAL PUBLIC UTILITIES, INC., THE DAKOTA POWER COMPANY, BLACK HILLS POWER AND LIGHT COMPANY, ET AL.

ORDER APPROVING APPLICATIONS AS AMENDED, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1941.

Community Power and Light Company, a registered holding company, General Public Utilities, Inc., its subsidiary and also a registered holding company, The Dakota Power Company and Black Hills Power and Light Company, subsidiaries of the foregoing, having filed declarations and applications, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 and particularly sections 7, 10, 12 (c), 12 (d) and 12 (f) thereof and Rules U-42, U-43, U-44, U-46 and former Rule U-12F-2 thereunder, with respect to the following: The issue and sale by Black Hills Power and Light Company of \$2,000,000 principal amount of First Mortgage Bonds, 3½% Series A, due September 1, 1971, to Dillon, Read & Co. for resale to The Equitable Life Assurance Society of the United States, of 7,350 shares of Common Stock, \$1 par value, to underwriters for resale to the public, of 92,650 shares of Common Stock, \$1 par value, and 8,500 shares of 5% Cumulative Preferred Stock, \$100 par value, to General Public Utilities, Inc.; the sale by General Public Utilities, Inc. of the securities received by it as aforesaid to underwriters for resale to the public; the acquisition by Black Hills Power and Light Company from The Dakota Power Company and General Public Utilities, Inc. of utility assets located in the State of South Dakota; the payment of liquidating dividends by The Dakota Power Company to General Public Utilities, Inc.; the use of all proceeds by General Public Utilities, Inc. to acquire and retire General Public Utilities Company First Mortgage and Collateral Trust 6½% Bonds (assumed), Series A, due April 1, 1956, and Series C, due April 1, 1955; and certain other transactions involved in and incidental to the foregoing.

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its findings herein:

It is hereby ordered, That the said applications as amended be and they hereby are approved and that the said declarations as amended be and they hereby are permitted to become effective forthwith subject to the terms and conditions prescribed in Rules U-24.

Jurisdiction is reserved with respect to all accounting entries to be made by Gen-

eral Public Utilities, Inc. in connection with the foregoing and also with respect to all transactions embraced in the applications and declarations filed herein and not referred to above.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8146; Filed, October 29, 1941;
11:40 a. m.]

[File No. 70-406]

IN THE MATTER OF CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

SUPPLEMENTAL ORDER GRANTING APPLICATION AS AMENDED, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1941.

Central Illinois Public Service Company, a subsidiary of The Middle West Corporation, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rules U-23 and U-50 thereunder, regarding the issue and sale of \$38,000,000 principal amount of its First Mortgage Bonds, Series A, 3¾%, due October 1, 1971 and \$9,000,000 principal amounts of 2%, 2¾% and 3% unsecured notes due serially April 1, 1942–October 1, 1951, and the redemption of \$38,000,000 principal amount of outstanding First Mortgage Bonds, Series A, 3¾%, due December 1, 1968 of the company and to the redemption (or payment at maturity) of \$9,000,000 principal amount of outstanding Serial Debentures, 3½% and 4%, of the company, due serially December 1, 1941–December 1, 1948, funds for such redemption being provided by the issue and sale of the securities above described, together with other funds of the applicant to the extent required, the applicant to publicly invite proposals for the purchase of the bonds in accordance with the Commission's Rules U-50; and

The Commission having on October 16, 1941, granted such application pursuant to section 6 (b) subject to the condition, among others, that applicant report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby;

The applicant having made such report to the Commission in the form of a further amendment to the application herein specifying the proposals which had been received for the purchase of said bonds pursuant to the invitation of competitive bids therefor and stating that applicant had accepted a bid from a group of forty-six underwriters,

headed by Halsey, Stuart & Co. Inc. of 105.7897% plus accrued interest from October 1, 1941 to the date of delivery, for said bonds, the same to be resold to the public at 107%, representing a spread to the underwriters of 1.2103%; and

The Commission having examined the record and finding that the plan for the

sale of said bonds at such prices and with such spread is fair and equitable to the persons affected thereby, and making no adverse findings under said Act;

It is ordered, That said application as amended be and it is hereby granted in regard to the price to the issuer, spread and distribution thereof applicable to

said bonds, subject however, to the terms and conditions prescribed in Rule U-24. By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8147; Filed, October 29, 1941;
11:40 a. m.]